

## Index

### **ABSOLUTE DIVORCE**

Generally, §§ 38:1-38:4

### **ABUSE OF PROCESS**

Pleadings, elements of cause of action, § 11:9

### **ACCEPTANCE OF OFFER OF JUDGMENT**

Generally, § 31:5

### **ACCESS OF PUBLIC TO JUDGMENTS**

Generally, § 31:1

### **ACCIDENT**

New trial motion, § 32:2

### **ACCRUAL**

Causes of Action, this index

### **ACTIONS AND PROCEEDINGS**

Generally, § 1:1 *et seq.*

Annulment of marriage, §§ 38:1, 38:6

Causes of Action, this index

Class Actions, this index

Classification, § 4:1

Commencement of Action, this index

Common law, § 4:1

Conditions precedent, §§ 4:3, 4:4

Contracts, condition precedent, §§ 4:3, 4:4

Costs of Action, this index

Declaratory Judgments, this index

Definition of action, § 4:1

Demand, condition precedent, § 4:3

Derivative Actions, this index

Direct Actions, this index

Divorce, § 38:1 *et seq.*

Form of action, §§ 4:1, 11:8

Independent Actions, this index

In personam, § 4:1

In rem, § 4:1

Local actions, § 4:1

### **ACTIONS AND PROCEEDINGS**

#### **—Cont'd**

Medical Injury Actions, this index

Merger of law and equity, generally, § 4:1

Nonsuit, §§ 5:10, 27:1-27:5

Notice, condition precedent, § 4:3

Parties, this index

Paternity actions, §§ 5:7, 9:9

Performance demand, condition precedent, § 4:3

Quasi in rem, § 4:1

Real Property, this index

Separate maintenance, § 38:1 *et seq.*

Settlement demand, condition precedent, § 4:3

Statute of Limitations, this index

Statutes, §§ 4:1, 4:3, 4:4

Tender, condition precedent, § 4:3

Third Party Practice, this index

Transitory actions, § 4:1

Wrongful Death Actions, this index

### **AD LITEM APPOINTMENTS**

Parties, §§ 7:4, 7:14

### **ADDITUR**

New trial motion, § 32:3

### **ADEQUACY**

Sufficiency or Insufficiency, this index

### **ADJUDICATION**

Former Adjudication, this index

### **ADMINISTRATIVE AGENCIES**

Former adjudication, issue preclusion, § 34:3

Standing, § 7:3

### **ADMINISTRATIVE ORDERS**

Divisions of circuit courts, § 2:3

Judges, §§ 3:2, 3:4, 3:5

Judgment entry, § 31:6

**ADMINISTRATIVE ORDERS**

—Cont'd

- Pretrial conference, § 24:3
- Sources of law on civil procedure,  
§ 1:8
- Trial, cameras and recording devices,  
§ 28:5

**ADMINISTRATORS AND  
EXECUTORS**

- Parties, §§ 7:1, 7:14

**ADMISSIBILITY OF EVIDENCE**

- Affidavits, § 13:5
- Choice of law, § 6:4
- Pleadings, § 11:2
- Summary judgment, § 26:3
- Trial, §§ 28:8, 28:20

**ADMISSIONS**

- Answers, §§ 15:3-15:5
- Requests for Admissions, this index

**ADOPTION PROCEEDINGS**

- Venue, § 9:9

**ADVERSE OR HOSTILE  
WITNESSES**

- Trial, § 28:9

**ADVISORY JURY**

- Generally, § 29:4

**AFFIDAVITS**

- Generally, § 13:5
- Discovery, this index
- Motions, this index
- Service, proof of, § 12:17
- Summary judgment, § 26:3

**AFFIRMATION OR OATH**

- Oath or Affirmation, this index

**AFFIRMATIVE DEFENSES**

- Answers, § 15:5
- Former Adjudication, this index
- Laches, § 5:12
- Statute of limitations, § 5:2

**AGE**

- Service of Process and Other Papers,  
this index
- Termination of child support, § 38:7

**AGENCIES**

- Administrative Agencies, this index
- Parties, §§ 7:1, 7:3
- Service on, § 12:11

**AGENTS**

- Service on, §§ 12:5-12:7

**AGREEMENTS**

- Contracts or Agreements, this index

**AID OF EXECUTION DISCOVERY**

- Enforcement of judgments, § 33:8

**ALIAS**

- Executions, enforcement of judgments, § 33:1
- Process, § 12:1

**ALIMONY**

- Divorce, § 38:2 et seq.

**ALLEGATIONS**

- Petition, perpetuation of testimony,  
§ 22:2
- Pleadings, §§ 11:4, 11:7

**ALTERNATE JURORS**

- Generally, § 29:7

**ALTERNATIVE PLEADING**

- Generally, §§ 11:6, 11:11

**AMBIGUOUS JUDGMENT**

- Generally, § 31:1

**AMENDMENT, MODIFICATION  
OR CHANGE**

- Admissions, § 23:4
- Bench trials, findings of fact, § 30:7
- Choice of law, change of domicile,  
§§ 6:3, 6:9
- Constitutional Matters, this index
- Items other than pleadings, § 18:6
- Judgments and Decrees, this index
- Motions, this index
- Orders, § 20:4
- Pleadings, this index
- Rules, sources of law on civil procedure, § 1:12
- Trial, this index
- Venue change, § 9:11

## INDEX

### **AMI (ARKANSAS MODEL JURY INSTRUCTIONS)**

Generally, § 28:19

### **AMOUNT, QUANTITY OR NUMBER**

Bonds, this index

Class actions, numerosity, §§ 8:2, 8:3

Discovery, this index

District courts, jurisdictional amount, § 2:5

Extension, this index

Judgments and Decrees, this index

Jurors, § 29:1

Summary judgment, quantum of evidence to defeat motion, § 26:4

### **ANNULMENT OF MARRIAGE**

Generally, §§ 38:1, 38:6

Actions, §§ 38:1, 38:6

Children, § 38:6

Grounds, § 38:6

Guardians, § 38:6

Statutes, §§ 38:1, 38:6

Venue, §§ 9:9, 38:6

Void or voidable marriage, § 38:6

### **ANSWERS**

Generally, §§ 11:1, 15:1 et seq.

Admissions, §§ 15:3-15:5

Affirmative defenses, § 15:5

Argumentative denials, § 15:3

Attachment of exhibits, § 15:1

Averments, § 15:1 et seq.

Captions, § 15:1

Certificate of service, § 15:1

Consistency of defenses, § 15:6

Counterclaims, § 15:1 et seq.

Cross-claims, § 15:1 et seq.

Defenses, §§ 15:1, 15:5, 15:6

Denials, §§ 15:1, 15:3-15:5, 39:2

Discovery, this index

Discretion of court, extension of time, § 15:2

Ejectment action, § 39:2

Exhibits, § 15:1

Extension of time, §§ 15:2, 15:7

Failure to deny, § 15:4

Filing, §§ 15:2, 15:7

### **ANSWERS—Cont'd**

Form, § 15:1

General denials, § 15:3

Heading, §§ 15:1, 15:7

Joinder of defenses, § 15:6

Mailing, § 15:2

Mandatory joinder of defenses, § 15:6

Motions, §§ 15:1, 15:2

Prisoners, § 15:2

Remanded cases, filing, § 15:2

Signature, §§ 15:1, 15:7

Specific denials, § 15:3

Statute of repose, § 15:5

Third party practice, §§ 11:1, 11:3, 11:5

Time for filing, § 15:2

### **APPEAL AND REVIEW**

Generally, §§ 40:1-40:7

Amount of supersedeas bond, § 40:7

Attorney's fees

Judgments, § 31:4

Sanctions for frivolous appeals, § 40:6

Certificate, multiple claims or parties, § 40:3

Circuit courts, appeals to, §§ 2:2, 2:5-2:7

Claims

Multiple claims, § 40:3

Severance of claims, § 25:4

Class actions, § 8:8

Clerk of court

Notice of appeal, § 40:4

Record on appeal, § 40:5

Costs, sanctions for frivolous appeals, § 40:6

Court of Appeals, §§ 1:11, 3:1

Cross-appeals, notice, § 40:4

Date. Time or date, below

Decrees. Judgments and decrees, below

Default judgment, § 19:7

Defects in notice of appeal, § 40:4

Determinations

Multiple claims or parties, § 40:3

Notice of appeal, § 40:4

Record on appeal, § 40:5

**APPEAL AND REVIEW—Cont'd**

- Directed verdict motion at trial, § 28:14
- Discovery, this index
- Dismissals, §§ 27:2, 40:6
- Enforcement of judgments, execution, § 33:1
- Entry of judgment, §§ 40:3, 40:4
- Evidence
  - Discovery, this index
  - Multiple claims or parties, § 40:3
  - Taking evidence at trial, § 28:8
- Exclusions
  - Finality doctrine, § 40:2
  - Multiple claims or parties, § 40:3
  - Notice of appeal, § 40:4
- Extension of time
  - Notice of appeal, § 40:4
  - Record on appeal, § 40:5
- Filing
  - Notice of appeal, § 40:4
  - Record on appeal, § 40:5
- Finality, §§ 40:2, 40:3
- Former Adjudication, this index
- Frivolous appeals, § 40:6
- Injunctions, § 35:7
- Intervention, § 7:10
- Judges, §§ 3:1, 3:3
- Judgments and decrees
  - Attorney's fees, § 31:4
  - Default judgment, § 19:7
  - Enforcement of judgments, execution, § 33:1
  - Entry of judgment, §§ 40:3, 40:4
  - Summary judgment, § 26:6
- Jurisdiction
  - Filing record on appeal, § 40:5
  - Lack of subject matter jurisdiction, § 2:9
- Lack
  - Standing to appeal, § 40:1
  - Subject matter jurisdiction, § 2:9
- Motions, this index
- Multiple claims or parties, § 40:3
- Notice of appeal, §§ 32:10, 40:4
- Penalties. Sanctions, below
- Pleading sanctions, § 11:16
- Posting of supersedeas bond, § 40:7

**APPEAL AND REVIEW—Cont'd**

- Proof. Evidence, above
- Receivers, appointment order, § 37:2
- Record on appeal, filing, § 40:5
- Remittitur, § 40:1
- Rules of Appellate Procedure, §§ 1:2, 1:6, 1:10, 40:2 et seq.
- Sanctions
  - Frivolous appeals, § 40:6
  - Pleading sanctions, § 11:16
- Service of notice of appeal, § 40:4
- Servicemembers Civil Relief Act, § 40:7
- Severance of claims, § 25:4
- Standard of review
  - Bench trials, conclusions of law, § 30:7
  - Class actions, § 8:8
  - Intervention, § 7:10
  - New trial motion, § 32:1
  - Perpetuation of testimony, § 22:2
  - Summary judgment, § 26:6
- Standing to appeal, § 40:1
- Stay, § 40:7
- Summary judgment, § 26:6
- Supersedeas bond, § 40:7
- Taking evidence at trial, § 28:8
- Time or date
  - Circuit court, appeal from district court, § 2:5
  - Extension of time, above
  - Notice of appeal, § 40:4

**APPEARANCE**

- Personal jurisdiction, § 10:2
- Trial subpoenas, § 28:4

**APPLICATION OR APPLICABILITY**

- Enforcement of judgments, property subject to execution, § 33:2
- Servicemembers Civil Relief Act, § 28:3
- Statute of limitations, savings statute, § 5:10

**APPLICATIONS**

- Intervention, § 7:10
- Trial stay, Servicemembers Civil Relief Act, § 28:3

## INDEX

### APPOINTMENT

- Deposition taking, § 21:5
- Magistrates, § 3:8
- Masters, §§ 3:8, 28:21, 38:7
- Parties, ad litem appointments,  
§§ 7:4, 7:14
- Receivers, §§ 37:1-37:5
- Referees, § 3:8
- Service of Process and Other Papers,  
this index

### ARBITRATION

- Motion to compel, § 14:14

### ARGUMENT

- Trial, § 28:17

### ARGUMENTATIVE DENIALS

- Answers, § 15:3

### ARKANSAS MODEL JURY INSTRUCTIONS

- Generally, § 28:19

### ASSIGNEES

- Real party in interest, § 7:2

### ASSIGNMENT OF JUDGES

- Generally, §§ 2:3, 3:2, 3:4, 3:5

### ASSISTANCE

- Enforcement of judgments, writ of  
assistance, § 33:6
- Judges, § 3:5

### ASSOCIATIONS

- Nonprofit associations, §§ 7:1, 12:7
- Service on, §§ 12:7, 12:12
- Unincorporated Associations, this  
index

### ATTACHMENT OF EXHIBITS

- Pleadings, §§ 11:10, 15:1

### ATTACK

- Challenges, this index

### ATTENDANCE

- Depositions, §§ 21:6, 21:7
- Trial, public nature of proceedings,  
§ 28:5

### ATTORNEY GENERAL

- Declaratory judgments, § 36:3

### ATTORNEY GENERAL—Cont'd

- Injunctions, § 35:1
- Notice, §§ 4:3, 11:18
- Parties, § 7:1
- Pleadings, § 11:18

### ATTORNEYS

- Discovery, this index
- Fees. Attorney's Fees, this index
- Juror voir dire, § 29:6
- Parties, §§ 7:4, 7:13, 7:14
- Pleadings, §§ 11:15-11:17
- Pretrial conference, § 24:2
- Service of Process and Other Papers,  
this index
- Trial, this index

### ATTORNEY'S FEES

- Appeal and Review, this index
- Choice of law, § 6:4
- Discovery, this index
- Divorce, temporary orders, § 38:4
- Judgments, §§ 31:4, 31:5
- Partition action, § 39:7
- Pleading sanctions, § 11:16

### AUTHENTICATION OF EVIDENCE

- Trial, § 28:8

### AUTHORITY OR POWER

- Discovery, release of health care  
information, § 21:11
- Receivers, § 37:4
- Rulemaking power of Supreme  
Court, sources of law on civil  
procedure, § 1:3
- Service of process, § 12:4

### AUTOMATIC STAY

- Servicemembers Civil Relief Act,  
§ 28:3

### AVERMENTS

- Pleadings, §§ 11:6, 11:13, 11:14,  
15:1 et seq.

### BANKRUPTCY

- Statute of limitations, tolling, § 5:8

### BED AND BOARD

- Divorce from, §§ 38:2, 38:4

**BENCH TRIALS**

Generally, §§ 28:1, 28:20, 30:1, 30:7  
Admissibility of evidence, § 28:20  
Amendment of findings, § 30:7  
Choice of law, § 6:4  
Conclusions of law, §§ 28:20, 30:7  
Dismissal motion, § 28:14  
Evidence, § 28:20  
Findings of fact, §§ 28:20, 30:1, 30:7  
Motions  
    Dismissal, § 28:14  
    New trial, § 32:1  
New trial motion, § 32:1  
Order of trial, § 28:6  
Request for findings and conclusions,  
    § 30:7  
Standard of review, conclusions of  
    law, § 30:7  
Stipulated facts, § 28:20  
Waiver of findings and conclusions,  
    § 30:7

**BIAS**

Judges, disqualification, § 3:3

**BIFURCATION**

Separate trials, § 25:3

**BILLS**

Creditor's bills, enforcement of judgments, § 33:9

**BOARDS OF STATE**

Venue in actions against, § 9:8

**BONDS**

Amount  
    Injunctions, § 35:4  
    Receivers, § 37:3  
    Supersedeas bond, § 40:7  
Appeals, supersedeas bond, § 40:7  
Enforcement of judgments, execution, §§ 33:3, 33:4  
Injunctions, § 35:4  
Posting  
    Enforcement of judgments, execution, §§ 33:3, 33:4  
    Injunctions, § 35:4  
    Receivers, § 37:3  
    Supersedeas bond, § 40:7

**BONDS—Cont'd**

Receivers, §§ 37:3, 37:4  
Statute of limitations, performance  
    bond of contractor, § 5:6

**BOOKS**

Trial subpoenas, production of books,  
    § 28:4

**BREACH OF CONTRACT**

Generally, §§ 5:4, 11:9

**BREACH OF IMPLIED  
WARRANTY**

Pleadings, elements of cause of  
    action, § 11:9

**BRIEFS**

Motions, this index  
Trial, § 28:22

**BUILDING AND CONSTRUCTION  
CASES**

Statute of limitations, § 5:6  
Statute of repose, § 5:11  
Venue, § 9:10

**BURDEN OF PROOF**

Choice of law, § 6:4  
Directed verdict motion, § 32:5  
Pleading sanctions, § 11:16  
Summary judgment, § 26:3  
Trial, §§ 28:8, 28:14

**BUSINESS**

Pleadings, interference with business  
    expectancy, § 11:9  
Trial evidence, business records,  
    § 28:8

**CALCULATION OR  
COMPUTATION OF TIME**

Generally, §§ 5:2, 12:19

**CAMERAS**

Trial, public nature of proceedings,  
    § 28:5

**CAPACITY OF PARTIES**

Generally, §§ 7:1, 11:14

**CAPTIONS**

Discovery, this index  
Judgments, § 31:1

## INDEX

### **CAPTIONS—Cont'd**

- Motions, this index
- Notices, § 13:6
- Orders, § 20:2
- Pleadings, this index

### **CATCH-ALL STATUTE OF LIMITATIONS**

- Generally, § 5:3

### **CAUSE**

- Good Cause, this index
- Juror challenges, § 29:6

### **CAUSES OF ACTION**

- Accrual
  - Generally, § 4:2
  - Statute of limitations, §§ 5:1, 5:3-5:6, 5:8, 5:9
- Choice of law, survival of cause of action, § 6:4
- Definition of cause of action, § 4:1
- Former adjudication, claim preclusion, § 34:2
- Pleadings, this index
- Splitting causes of action, § 4:7
- Statute of limitations, §§ 5:1, 5:3-5:6, 5:8, 5:9

### **CAUTIONARY JURY INSTRUCTIONS**

- Generally, § 28:19

### **CAVEAT EMPTOR DOCTRINE**

- Enforcement of judgments, judicial sales, § 33:5

### **CERTAINTY AND DEFINITENESS**

- Injunctions, § 35:5
- More definite statement motion, § 14:13
- Verdict, § 30:5

### **CERTIFICATES**

- Multiple claims or parties, §§ 31:2, 40:3
- Service of Process and Other Papers, this index

### **CERTIFICATION OF CLASS ACTIONS**

- Generally, § 8:1 et seq.

### **CHALLENGES**

- Amended pleadings, § 18:2
- Arkansas Model Jury Instructions, § 28:19
- Defensive motions, § 14:1 et seq.
- Jurisdiction, §§ 2:9, 10:2
- Jurors, § 29:6
- Requests for admissions, sufficiency of answer, § 23:3

### **CHANGE**

- Amendment, Modification or Change, this index

### **CHARITABLE ORGANIZATIONS**

- Parties, § 7:1

### **CHILDREN OR MINORS**

- Annulment of marriage, § 38:6
- Choice of law, domicile, § 6:3
- Default judgment, § 19:1
- Divorce, support and custody, § 38:2 et seq.
- Parental immunity doctrine, § 7:1
- Parties, §§ 7:4, 7:14
- Paternity actions, §§ 5:7, 9:9
- Service on, § 12:8
- Statute of limitations, tolling, § 5:8
- Support, § 38:2 et seq.
- Uniform Interstate Family Support Act, §§ 38:5, 38:7

### **CHOICE OF LAW**

- Generally, §§ 6:1-6:11
- Admissibility of evidence, § 6:4
- Attorney's fees, § 6:4
- Bench trial, § 6:4
- Burden of proof, § 6:4
- Change of domicile, §§ 6:3, 6:9
- Characterizing issue, § 6:5
- Children, domicile, § 6:3
- Commerce Clause, § 6:2
- Common law, domicile, § 6:3
- Constitutional limitations, § 6:2
- Construction of contractual clauses, § 6:7
- Contracts, §§ 6:1, 6:7-6:9
- Corporations, domicile, § 6:3
- Costs, § 6:4
- Covenants, real property, § 6:8



**CHOICE OF LAW—Cont'd**

- Creditors and debtors, personal property, § 6:9
- Damages, § 6:4
- Deeds, real property, § 6:8
- Depeçage, characterizing issue, § 6:5
- Divorce, § 6:10
- Domicile, §§ 6:3, 6:9, 6:10
- Due process, § 6:2
- Equal protection, § 6:2
- Evidence, §§ 6:4, 6:11
- Full faith and credit, § 6:2
- Husband and wife. Spouses, below
- Incompetents, domicile, § 6:3
- Intangible personal property, § 6:9
- Intent to change domicile, § 6:3
- Issue characterization, § 6:5
- Jury trial, § 6:4
- Leases, § 6:8
- Limitations
  - Constitutional limitations, § 6:2
  - Statute of limitations, §§ 5:2, 6:4
  - Uniform Conflict of Laws Limitation Act, § 6:4
- Marital property, §§ 6:8-6:10
- Marriage, § 6:10
- Mortgages, §§ 6:8, 6:9
- Personal property, §§ 6:9, 6:10
- Presumptions, § 6:4
- Procedure-substance distinction, §§ 6:4-6:6
- Property, §§ 6:8-6:10
- Public policy, validity of marriage, § 6:10
- Question of fact, § 6:11
- Real property, §§ 6:8, 6:10
- Renvoi doctrine, § 6:1
- Restatements of Conflict of Laws, §§ 6:1, 6:6, 6:7
- Restrictions. Limitations, above
- Rules, §§ 6:1, 6:8
- Situs rule, real property, § 6:8
- Spouses
  - Domicile, §§ 6:3, 6:9
  - Marital property, §§ 6:8-6:10
  - Marriage and divorce, § 6:10
  - Personal property, § 6:9
  - Real property, § 6:8

**CHOICE OF LAW—Cont'd**

- Standard of proof, § 6:4
- Statute of limitations, §§ 5:2, 6:4
- Statute of repose, §§ 5:2, 6:4
- Substance-procedure distinction, §§ 6:4-6:6
- Survival of cause of action, § 6:4
- Tangible personal property, § 6:9
- Title to property, § 6:9
- Torts, §§ 6:1, 6:6
- Uniform Commercial Code, §§ 6:1, 6:7, 6:9
- Uniform Conflict of Laws Limitation Act, § 6:4
- Validity of marriage, § 6:10
- Wife and husband. Spouses, above
- Wills, § 6:9

**CIRCUIT COURTS**

- Appeals to circuit courts, §§ 2:2, 2:5-2:7
- Constitutional Amendment 80, §§ 1:2, 2:2
- Declaratory judgments, § 36:2
- Divorce, §§ 38:2, 38:5
- Domestic relations division, §§ 2:3, 38:2
- Injunctions, § 35:1
- Judges, §§ 2:3, 3:1, 3:2, 3:4, 3:5, 3:8
- Partition action, § 39:7
- Separate maintenance, § 38:3
- Subject matter jurisdiction, §§ 2:2-2:5, 2:9

**CITATION FOR CONTEMPT**

- Enforcement of judgments, § 33:7

**CITATIONS IN MOTIONS**

- Generally, § 13:1

**CITIES**

- Courts. City Courts, this index
- Declaratory judgments, § 36:3
- Parties, §§ 7:1, 36:3

**CITY COURTS**

- Generally, §§ 2:2, 2:7
- Judges, §§ 3:1, 3:4
- Jurisdiction, § 2:7



## INDEX

### CIVIL DIVISIONS OF COURTS

Generally, §§ 2:3, 2:5

### CLAIMS

Appeal and Review, this index

Counterclaims, this index

Cross-Claims, this index

Default judgment, § 19:1

Former adjudication, claim preclusion, §§ 34:1, 34:2

Joinder of Claims, this index

Misjoinder of claims, § 4:6

Multiple Parties or Claims, this index

Pleadings, § 11:1 et seq.

Separate trials, §§ 25:1, 25:3

Severance of claims, §§ 4:6, 25:1, 25:3, 25:4

Small claims division of district court, §§ 2:5, 7:13

Statute of limitations, § 5:1 et seq.

Third Party Practice, this index

### CLASS ACTIONS

Generally, § 8:1 et seq.

Adequate representation, §§ 8:2, 8:4

Amended pleadings, § 18:2

Appeal, § 8:8

Basic requirements for class actions, § 8:2

Certification, § 8:1 et seq.

Commonality, §§ 8:2, 8:3

Compromise or settlement, §§ 8:7, 8:8

Costs of notice to class members, § 8:7

Dismissals, §§ 8:7, 27:2

Federal court, removal to, § 8:9

Federal Rules of Civil Procedure, § 8:1

Former adjudication, claim preclusion, § 34:2

Identity of class members, § 8:2

Illegal exaction suits, § 8:12

Impracticability of joinder, §§ 8:2, 8:3

Motions, § 8:7

Notice to class members, § 8:7

Numerosity, §§ 8:2, 8:3

### CLASS ACTIONS—Cont'd

Predominance of questions of law or fact, §§ 8:2, 8:5

Questions of law or fact, §§ 8:2, 8:3, 8:5

Removal to federal court, § 8:9

Role of trial court, § 8:7

Rules of Civil Procedure, § 8:1 et seq.

Service of process and other papers, § 12:7

Settlement or compromise, §§ 8:7, 8:8

Standard of review, § 8:8

Superiority, §§ 8:2, 8:6

Trial court, role, § 8:7

Typicality, §§ 8:2, 8:3

Venue, §§ 8:4, 9:5

### CLASSIFICATION OF ACTIONS

Generally, § 4:1

### CLERICAL ERRORS

Generally, §§ 20:4, 31:7, 32:4

### CLERK OF COURT

Appeal and Review, this index

Discovery subpoenas, § 21:14

Judgments and Decrees, this index

Jury trial demand, § 29:4

Motions, filing, §§ 13:1, 13:2

Orders, § 20:3

Pleadings, filing, § 11:17

Service of process and other papers, §§ 12:2, 12:3, 12:14

Subpoenas, §§ 21:14, 28:4

Trial subpoenas, issuance, § 28:4

### CLOSE OF EVIDENCE

Directed verdict or dismissal motions, §§ 28:14, 32:5

### CLOUD ON TITLE REMOVAL

Real property actions, § 39:5

### COERCION

Complaints, § 11:7

### COLLATERAL ATTACK

Lack of subject matter jurisdiction, § 2:9

**COMITY**

Enforcement of foreign judgments,  
§ 33:10

**COMMENCEMENT OF ACTION**

Complaint, filing, §§ 11:17, 12:2  
Service of process and other papers,  
§ 12:2  
Statute of limitations, §§ 5:9, 5:10

**COMMENTS**

Trial judge, § 28:13

**COMMERCE CLAUSE**

Choice of law, § 6:2

**COMMERCIAL DELIVERY  
COMPANIES**

Service of Process and Other Papers,  
this index

**COMMITTEE ON CIVIL  
PRACTICE**

Supreme Court, sources of law on  
civil procedure, § 1:12

**COMMON LAW**

Actions, § 4:1  
Choice of law, domicile, § 6:3  
Jury trial right, § 29:2  
Pleadings, §§ 11:8, 11:9  
Service of process and other papers,  
§ 12:7

**COMMON QUESTIONS OF LAW  
OR FACT**

Consolidation of actions, §§ 25:1,  
25:2

**COMMONALITY**

Class actions, §§ 8:2, 8:3

**COMPEL OR COMPELLING**

Compulsory Matters, this index

**COMPENSATION**

Receivers, § 37:2

**COMPENSATORY DAMAGES**

New trial motion, § 32:3

**COMPLAINTS**

Generally, § 11:1  
Caption, § 11:3

**COMPLAINTS—Cont'd**

Claims for relief, § 11:5  
Commencement of action, filing,  
§§ 11:17, 12:2  
Conclusions and facts, § 11:7  
Declaratory judgments, § 36:4  
Demand for relief, § 11:11  
Divorce, § 38:2  
Ejectment action, § 39:2  
Filing  
Generally, §§ 11:17, 12:2  
Divorce, § 38:2  
Third party complaint, § 17:1  
Process, summons and complaint,  
§§ 12:1, 12:3  
Separate maintenance, § 38:3  
Signature and verification, § 11:15  
Special damages, § 11:12  
Third party practice, §§ 11:1, 11:3,  
11:5, 16:1, 17:1

**COMPLIANCE OR  
NONCOMPLIANCE**

Discovery sanctions, § 21:13  
Motion requirements, § 13:1  
Service of process and other papers,  
§ 12:1 et seq.

**COMPROMISE**

Settlement or Compromise, this index

**COMPULSORY MATTERS**

Arbitration, motion to compel,  
§ 14:14  
Counterclaims, this index  
Discovery, motion to compel,  
§ 21:12

**COMPUTATION OR  
CALCULATION OF TIME**

Generally, §§ 5:2, 12:19

**CONCISENESS OF PLEADINGS**

Generally, § 11:6

**CONCLUSIONS**

Law. Conclusions of Law, this index  
Pleadings, § 11:7

**CONCLUSIONS OF LAW**

Bench trials, §§ 28:20, 30:7  
Judgments, §§ 31:1, 31:3

## INDEX

### CONCURRENT JURISDICTION

Jurisdiction, this index

### CONDITIONS AND

#### CONDITIONAL MATTERS

Actions, conditions precedent,

§§ 4:3, 4:4

Discovery, protective orders, § 21:12

Dismissals, § 27:3

Injunctions, issuance, § 35:4

Motions posttrial, conditional rulings,  
§ 32:7

### CONFERENCE

Pretrial Conference, this index

### CONFLICT OF LAWS

Choice of Law, this index

### CONFORM TO PROOF

Amendment of pleadings, §§ 18:2,  
28:16

### CONSENT

Amendment of pleadings, §§ 18:2,  
18:3

Implied Consent, this index

Judgment, §§ 31:1, 31:9

Jurisdiction, this index

### CONSISTENCY

Defenses, answers, § 15:6

Inconsistent Matters, this index

Pleadings, §§ 11:5, 11:6

### CONSOLIDATION

Actions, §§ 25:1, 25:2

Hearings, injunctions, § 35:3

### CONSTITUTIONAL MATTERS

Amendment 55, county courts, § 2:6

Amendment 67, courts, §§ 2:4, 2:6

Amendment 80

Courts, §§ 1:2, 2:2, 2:4-2:7

Declaratory judgments, § 36:2

Defensive motions, § 14:2

Judges, §§ 3:1-3:4

Jury trial right, §§ 29:2, 29:3

Severance of claims, § 25:4

Sources of law on civil procedure,  
§§ 1:1-1:4, 1:9, 1:11

Choice of law, limitations, § 6:2

### CONSTITUTIONAL MATTERS

#### —Cont'd

Courts, this index

Default judgment, § 19:5

Discovery, this index

Due Process, this index

Full faith and credit, §§ 6:2, 33:10

Illegal exaction suits, § 8:12

Judgments, interest, § 31:10

Jury and Jury Trial, this index

Parties, §§ 7:1, 7:3

Personal jurisdiction, § 10:2

Service of process and other papers,  
§ 12:1

Trial, this index

Venue, § 9:1

### CONSTRUCTION AND

#### INTERPRETATION

Choice of law, contractual clauses,  
§ 6:7

Judgments, § 31:1

Pleadings, §§ 11:1, 11:5

Rules of Civil Procedure, sources of  
law on civil procedure, § 1:4

Statute of limitations, §§ 5:1, 5:5

### CONSTRUCTION CASES

Building and Construction Cases, this  
index

### CONSTRUCTIVE SERVICE

Service of Process and Other Papers,  
this index

### CONTEMPT

Criminal contempt, §§ 33:7, 35:6

Discovery sanctions, § 21:13

Divorce, enforcement, §§ 38:4, 38:7

Injunctions, enforcement, § 35:6

Judgments, enforcement, § 33:7

Trial, this index

### CONTESTS

Challenges, this index

### CONTINUANCES

Summary judgment, § 26:2

Trial, § 28:2

### CONTINUOUS TORTS

Statute of limitations, § 5:5

**CONTRACTORS**

Statute of limitations, § 5:6  
Venue, § 9:10

**CONTRACTS OR AGREEMENTS**

Arbitration, motion to compel,  
§ 14:14  
Breach of contract, §§ 5:4, 11:9  
Choice of law, §§ 6:1, 6:7-6:9  
Conditions precedent to actions,  
§§ 4:3, 4:4  
Divorce, independent agreement,  
§ 38:5  
Judgments and Decrees, this index  
Leases, this index  
Personal jurisdiction, § 10:2  
Pleadings, elements of cause of  
action, § 11:9  
Real property actions, specific perfor-  
mance, § 39:6  
Statute of limitations, §§ 5:4, 5:6, 5:8  
Third party practice, § 17:2

**CONTRIBUTION**

Third party practice, §§ 17:1, 17:2

**CONVERSION OF DEFENSIVE  
MOTIONS**

Generally, §§ 14:7, 14:11

**CORPORATIONS**

Choice of law, domicile, § 6:3  
Discovery, preservation of evidence,  
§ 21:16  
Foreign Corporations, this index  
Parties, §§ 7:1, 7:5  
Personal jurisdiction, § 10:2  
Receivers, § 37:4  
Service of process and other papers,  
§§ 12:5, 12:7, 12:13  
Shareholders' Derivative Actions,  
this index  
Venue, residence, § 9:4

**CORRECTION OF CLERICAL  
ERRORS**

Generally, §§ 20:4, 31:7, 32:4

**CORROBORATION**

Divorce, §§ 38:2, 38:4  
Separate maintenance, § 38:3

**COSTS AND EXPENSES**

Actions. Costs of Action, this index  
Class actions, notice to class  
members, § 8:7  
Discovery, this index  
Enforcement of judgments, execu-  
tion, § 33:1  
Receivers, § 37:2

**COSTS OF ACTION**

Appeals, sanctions for frivolous  
appeals, § 40:6  
Choice of law, § 6:4  
Declaratory judgments, § 36:3  
Discovery sanctions, §§ 21:13, 23:5  
Dismissals, § 27:6  
Judgments, §§ 31:4, 31:5  
Pleading sanctions, § 11:16

**COUNSEL**

Attorneys, this index

**COUNSELING PREREQUISITE**

Divorce, covenant marriage, § 38:2

**COUNTER-AFFIDAVITS**

Summary judgment, § 26:3

**COUNTERCLAIMS**

Generally, §§ 11:1, 16:1-16:3  
Amended pleadings, §§ 16:1, 16:2,  
18:2  
Answers, § 15:1 et seq.  
Caption, § 16:1  
Certificate of service, § 16:1  
Compulsory counterclaims  
Generally, §§ 16:2, 16:3  
Default judgment, § 19:1  
Dismissals, § 27:2  
Default judgment, § 19:1  
Definitions, §§ 11:1, 16:1  
Dismissals, §§ 27:2, 27:4  
Equity and law merger, § 16:3  
Extension of time for filing of reply  
to counterclaim, § 15:7  
Filing counterclaim and reply thereto,  
§§ 15:2, 15:7, 16:1  
Form, § 16:1  
Heading for counterclaim and reply  
thereto, §§ 15:7, 16:1  
Joinder of parties, § 16:1

## INDEX

### COUNTERCLAIMS—Cont'd

- Merger of law and equity, § 16:3
- Permissive counterclaims, §§ 16:2, 16:3
- Purpose
  - Compulsory counterclaim, § 16:2
  - Reply to counterclaim, § 15:7
- Relief claims, § 11:5
- Replies to counterclaims, §§ 11:1, 15:1-15:3, 15:7
- Separate trials, § 25:3
- Service, §§ 11:17, 16:1
- Signatures on counterclaim and reply thereto, §§ 15:7, 16:1
- Supplemental pleadings, §§ 16:1, 16:2
- Third party practice, § 17:1

### COUNTIES

- Courts. County Courts, this index
- Declaratory judgments, § 36:3
- Enforcement of judgments, location of property for execution, § 33:1
- Parties, §§ 7:1, 36:3
- Venue, this index

### COUNTY COURTS

- Appeal to circuit court, §§ 2:2, 2:6
- Judges, §§ 3:1, 3:4
- Jury trial, § 29:1
- Sources of law on civil procedure, §§ 1:5, 1:6
- Special proceedings, sources of law on civil procedure, § 1:5
- Subject matter jurisdiction, §§ 2:5, 2:6

### COURT OF APPEALS

- Generally, §§ 1:11, 3:1

### COURTS

- Generally, §§ 2:1-2:9
- Challenges to subject matter jurisdiction, § 2:9
- Choice of Law, this index
- Circuit Courts, this index
- City Courts, this index
- Civil divisions of courts, §§ 2:3, 2:5
- Clerk of Court, this index

### COURTS—Cont'd

- Collateral attack, lack of subject matter jurisdiction, § 2:9
- Constitutional matters
  - Generally, § 2:1 et seq.
  - Amendment 80, §§ 1:2, 2:2, 2:4-2:7
  - City courts, § 2:7
  - County courts, § 2:6
- Contempt, this index
- County Courts, this index
- Court of Appeals, §§ 1:11, 3:1
- Criminal divisions of courts, §§ 2:3, 2:5
- Definition of subject matter jurisdiction, § 2:1
- Discretion of Court, this index
- District Courts, this index
- Divisions of courts
  - Generally, §§ 2:3-2:5
  - Caption of pleading, § 11:3
  - Domestic relations division of circuit court, §§ 2:3, 38:2
  - Small claims division of district court, §§ 2:5, 7:13
- Federal courts
  - Class actions, removal to federal court, § 8:9
  - Statute of limitations, §§ 5:2, 5:10
  - Statute of repose, § 5:2
- Judges, this index
- Jurisdiction, this index
- Juvenile cases, §§ 2:3, 2:4
- Lack of subject matter jurisdiction, §§ 2:1, 2:2, 2:5, 2:6, 2:9
- Orders, this index
- Questions of Law or Fact, this index
- Rules, § 1:1 et seq.
- Statutes, § 2:1 et seq.
- Sua Sponte Matters, this index
- Supreme Court of Arkansas, this index
- Venue, this index

### COVENANT MARRIAGE

- Counseling prerequisite to divorce, § 38:2

**COVENANTS**

Choice of law, real property, § 6:8

**CREDITORS AND DEBTORS**

Choice of law, personal property,  
§ 6:9

Judgments and Decrees, this index

**CRIMES AND CRIMINAL  
MATTERS**

Contempt, §§ 33:7, 35:6

Discovery, destruction of evidence,  
§ 21:16

Divisions of courts, §§ 2:3, 2:5

Former adjudication, issue preclu-  
sion, § 34:3

**CROSS-APPEALS**

Notice, § 40:4

**CROSS-CLAIMS**

Generally, §§ 11:1, 16:1, 16:4

Answers, § 15:1 et seq.

Caption, § 16:1

Certificate of service, § 16:1

Definitions, §§ 11:1, 16:1, 16:4

Dismissals, §§ 27:2, 27:4

Filing, § 16:1

Form, § 16:1

Heading, § 16:1

Joinder of parties, § 16:1

Relief claims, § 11:5

Separate trials, § 25:3

Service, §§ 11:17, 16:1, 16:4

Signature, § 16:1

Third party practice, § 17:1

**CROSS-EXAMINATION OF  
WITNESSES**

Trial, § 28:8

**CROSS-MOTIONS**

Summary judgment, § 26:5

**CUSTODY OF CHILDREN**

Divorce, § 38:5

**DAMAGE TO PROPERTY**

District courts, subject matter juris-  
diction, § 2:5

Statute of limitations, § 5:6

Statute of repose, § 5:11

**DAMAGES**

Choice of law, § 6:4

Judgments and Decrees, this index

New trial motion, §§ 32:2, 32:3

Pleadings, §§ 11:11, 11:12

Punitive Damages, this index

Remittitur, §§ 32:3, 40:1

Separate trials, § 25:3

**DATE**

Time or Date, this index

**DE FACTO JUDGES**

Generally, § 3:7

**DEATH**

Party, substitution of party, § 7:11

Wrongful Death Actions, this index

**DEBTORS**

Creditors and Debtors, this index

**DECEDENTS' ESTATES**

Statute of limitations, § 5:7

**DECEIT**

Fraud, this index

**DECLARATORY JUDGMENTS**

Generally, §§ 36:1-36:5

Attorney General, § 36:3

Circuit courts, § 36:2

Cities, parties, § 36:3

Complaints, § 36:4

Constitutional Amendment 80, § 36:2

Contracts, § 36:1

Costs, § 36:3

Counties, parties, § 36:3

Discretion of court, § 36:2

Entry, § 36:2

History, § 36:1

Insurance, § 36:1

Issuance, § 36:2

Jury trial, § 36:3

Parties, § 36:3

Pleadings, § 36:4

Proper court, § 36:2

Public officials, § 36:1

Purpose, § 36:1

Relief, § 36:1 et seq.

Rights, § 36:1 et seq.

## INDEX

### **DECLARATORY JUDGMENTS** —Cont'd

Status, § 36:1 et seq.  
Statutes, § 36:1 et seq.  
Sufficiency of pleadings, § 36:4  
Supplementary relief, § 36:5

### **DECREES**

Judgments and Decrees, this index

### **DEEDS**

Choice of law, § 6:8  
Enforcement of judgments, judicial sales, § 33:5  
Partition action, § 39:7

### **DEEMED DENIAL**

New trial motion, § 32:1

### **DEFAMATION**

Pleadings, elements of cause of action, § 11:9

### **DEFAULT JUDGMENT**

Generally, §§ 19:1-19:7  
Appeals, § 19:7  
Claims, § 19:1  
Compulsory counterclaims, § 19:1  
Constitutional matters, § 19:5  
Counterclaims, § 19:1  
Damages, § 19:5  
Defenses, § 19:1 et seq.  
Discretion of court, §§ 19:4, 19:7  
Entry, §§ 19:1, 19:4  
Evidence of damages, § 19:5  
Hearings, § 19:5  
Incompetents, § 19:1  
Infants, § 19:1  
Liability, § 19:5  
Mail service, § 19:6  
Motions, §§ 19:2, 19:3, 19:7  
Notice, § 19:3  
Pleadings, § 19:1 et seq.  
Publication, service by, § 19:6  
Remanded cases, § 19:2  
Service by mail or publication, § 19:6  
Servicemembers Civil Relief Act, §§ 19:1, 19:7  
Setting aside default judgment, § 19:7

### **DEFAULT JUDGMENT—Cont'd**

Statutes, §§ 19:1, 19:7  
What constitutes default, § 19:2

### **DEFECTS OR IRREGULARITIES**

Appeal notice, § 40:4  
Caption of pleading, § 11:3  
Discovery, § 21:4  
New trial motion, § 32:2  
Verdict, §§ 30:2, 30:5

### **DEFENSES**

Affirmative Defenses, this index  
Answers, §§ 15:1, 15:5, 15:6  
Default judgment, § 19:1 et seq.  
Divorce, § 38:2  
Enforcement of judgments, judicial sales, § 33:5  
Motions, defensive, § 14:1 et seq.  
Personal jurisdiction, § 10:2  
Pleadings, §§ 11:1 et seq., 15:1, 15:5, 15:6  
Satisfaction of judgment, § 31:8

### **DEFINITENESS**

Certainty and Definiteness, this index

### **DEFINITIONS**

Action, § 4:1  
Affidavit, § 13:5  
Answer, § 11:1  
Cause of action, § 4:1  
Civil action, § 1:5  
Complaint, § 11:1  
Constructive service, § 12:1  
Counterclaim, §§ 11:1, 16:1  
Cross-claim, §§ 11:1, 16:1, 16:4  
Injunction, § 35:1  
Judgment, § 31:1  
Jurisdiction of the person or thing, § 10:1  
Jurisdiction of the subject matter, § 10:1  
Motion, § 13:1  
Nonprofit association, § 7:1  
Order, § 20:1  
Personal service, § 12:1  
Pleadings, § 11:1  
Process, § 12:1  
Receiver, § 37:1



**DEFINITIONS—Cont'd**

Return of process, § 12:1  
Special proceeding, § 1:5  
Subject matter jurisdiction, § 2:1  
Substituted service, § 12:1  
Supplemental pleading, § 18:5  
Third-party complaint, § 11:1

**DELAY**

Amended pleadings, undue delay,  
§ 18:2  
Laches, § 5:12  
Separate trials, § 25:3

**DELIBERATIONS OF JURY**

Generally, § 29:8

**DELIVERY**

Commercial delivery companies.  
Service of Process and Other  
Papers, this index  
Discovery, reports of physical and  
mental examinations, § 21:11

**DEMAND**

Condition precedent to action, § 4:3  
Jury trial, §§ 29:1, 29:4  
Relief, pleadings, § 11:11

**DENIALS**

Answers, §§ 15:1, 15:3-15:5, 39:2  
Requests for admissions, § 23:2

**DEPECAGE**

Choice of law, characterizing issue,  
§ 6:5

**DEPOSITIONS**

Discovery, this index

**DERIVATIVE ACTIONS**

Shareholders' Derivative Actions,  
this index

**DESTRUCTION OF EVIDENCE**

Discovery, § 21:16

**DETAINER**

Real property actions, forcible entry  
and detainer and unlawful  
detainer, § 39:3

**DETERMINATIONS**

Appeal and Review, this index

**DETERMINATIONS—Cont'd**

Defensive motions, § 14:2 et seq.  
Former adjudication, § 34:2 et seq.  
Venue, § 9:1

**DIRECT ACTIONS**

Parties, § 7:1  
Shareholders' derivative actions  
distinguished, § 8:10

**DIRECTED VERDICT**

Motions, §§ 28:14, 32:5, 32:6

**DIRECTNESS**

Pleadings, § 11:6

**DISABILITY OF JUDGES**

Generally, § 3:2

**DISCHARGE**

Attorney, parties, § 7:13  
Receiver, § 37:5

**DISCOVERY**

Generally, §§ 21:1-21:18  
Admission requests. Requests for  
Admissions, this index  
Affidavits  
Perpetuation of testimony, § 22:2  
Physical and mental examinations,  
§ 21:11  
Affirmation or oath, depositions,  
§ 21:5  
Amount. Number, below  
Answers. Responses or answers,  
below  
Appeal and review  
Perpetuation of testimony,  
§§ 22:1-22:3  
Scope of discovery, § 21:2  
Appointments, deposition taking,  
§ 21:5  
Attendance, depositions, §§ 21:6,  
21:7  
Attorneys  
Fees. Attorney's fees, below  
Requests for admissions, §§ 21:2,  
23:2, 23:5  
Subpoenas, § 21:14  
Supplementation of discovery  
responses, § 21:3

## INDEX

### **DISCOVERY—Cont'd**

- Attorneys—Cont'd
  - Work product, § 21:2
- Attorney's fees
  - Compel discovery motion, § 21:12
  - Sanctions, §§ 21:13, 23:5
- Authorization for release of health care information, § 21:11
- Captions
  - Notice, oral examination deposition, § 21:6
  - Petition, perpetuation of testimony, § 22:2
- Clerk of court, subpoenas, § 21:14
- Compel discovery motion, § 21:12
- Conditions on discovery, protective orders, § 21:12
- Constitutional matters
  - Due process, sanctions, § 21:13
  - Privileges, scope of discovery, § 21:2
- Contempt, sanctions, § 21:13
- Corporations, preservation of evidence, § 21:16
- Costs and expenses
  - Generally, § 21:15
  - Compel discovery motion, § 21:12
  - Electronically stored information, § 21:18
  - Sanctions, §§ 21:13, 23:5
- Counsel. Attorneys, above
- Delivery of reports, physical and mental examinations, § 21:11
- Depositions
  - Generally, §§ 21:5-21:7
  - Errors and irregularities, § 21:4
  - Expenses, § 21:15
  - Experts, § 21:8
  - Objections, §§ 21:6, 21:12
  - Oral examination depositions, §§ 21:5, 21:6, 22:1
  - Perpetuation of testimony, §§ 22:1-22:4
  - Sanctions, § 21:13
  - Stipulations, § 21:4
  - Written question depositions, §§ 21:5, 21:7, 22:1
- Destruction of evidence, § 21:16

### **DISCOVERY—Cont'd**

- Discretion of court
  - Generally, §§ 21:2, 21:12
  - Compel discovery motion, § 21:12
  - Expenses of discovery, § 21:15
  - Sanctions, § 21:13
  - Supplementation of discovery responses, § 21:3
- Documents
  - Destruction of evidence, § 21:16
  - Inspection of documents, § 21:10
  - Production of documents and things, below
  - Requests for admissions, § 23:2
- Duces tecum subpoenas, § 21:14
- Due process, sanctions, § 21:13
- Duties
  - Preservation of evidence, § 21:16
  - Supplementation of discovery responses, § 21:3
- E-Discovery, discovery of electronically stored information, §§ 21:10, 21:18
- Enforcement of judgments, discovery in aid of execution, § 33:8
- Entry of protective orders, § 21:12
- Errors, § 21:4
- Examination or examinations
  - Medical examinations, § 21:11
  - Oral examination depositions, §§ 21:5, 21:6, 22:1
  - Physical and mental examinations, §§ 21:11, 22:1
- Exclusions
  - Supplementation of discovery responses, § 21:3
  - Work product, § 21:2
- Expenses. Costs and expenses, above
- Experts and expert witnesses, §§ 21:2, 21:8
- Failure to attend oral examination depositions, § 21:6
- Failure to comply, sanctions, § 21:13
- Federal Rules of Civil Procedure, § 21:1 et seq.
- Foreign country, deposition taking, § 21:5

**DISCOVERY—Cont'd**

- Good cause
  - Physical and mental examinations, § 21:11
  - Protective orders, § 21:12
- Health care information, § 21:11
- Hearings
  - Perpetuation of testimony, § 22:2
  - Requests for admissions, § 23:3
  - Sanctions, § 21:13
- History, § 21:1
- Inadvertent disclosure, § 21:17
- In controversy, physical and mental examinations, § 21:11
- Inspection of documents and land, § 21:10
- Insurance, scope of discovery, § 21:2
- Interrogatories
  - Generally, § 21:9
  - Objections, §§ 21:9, 21:12
  - Sanctions, § 21:13
  - Supplementation of responses, § 21:3
  - Work product, § 21:2
- Irregularities, § 21:4
- Issuance of subpoenas, § 21:14
- Issues
  - Scope of discovery, § 21:2
  - Simplification of issues for trial, § 21:2
  - Ultimate issue, requests for admissions, § 23:2
- Land, inspection of, § 21:10
- Lawyers. Attorneys, above
- Length of oral examination depositions, § 21:6
- Limitations
  - Electronically stored information, § 21:18
  - Experts, § 21:8
  - Interrogatories, § 21:9
  - Oral examination depositions, § 21:6
  - Written question depositions, § 21:7
- Location
  - Oral examination depositions, § 21:6

**DISCOVERY—Cont'd**

- Location—Cont'd
  - Physical and mental examinations, § 21:11
- Medical examinations and records, § 21:11
- Medical injury cases, physical and mental examinations, § 21:11
- Mental examinations, §§ 21:11, 22:1
- Motions
  - Generally, § 21:12
  - Physical and mental examinations, § 21:11
  - Protective orders, §§ 21:2, 21:12
  - Requests for admissions, §§ 23:3, 23:4
- Negligence, destruction of evidence, § 21:16
- Non-testifying experts, § 21:8
- Notice
  - Oral examination depositions, § 21:6
  - Perpetuation of testimony, § 22:2
  - Physical and mental examinations, § 21:11
  - Sanctions, § 21:13
- Service of notice
  - Perpetuation of testimony, § 22:2
  - Written question depositions, § 21:7
- Written question depositions, § 21:7
- Number
  - Interrogatories, § 21:9
  - Oral examination depositions, § 21:6
- Oath or affirmation, depositions, § 21:5
- Objections
  - Generally, § 21:12
  - Depositions, §§ 21:6, 21:12
  - Inspection, § 21:12
  - Interrogatories, §§ 21:9, 21:12
  - Oral examination depositions, § 21:6
  - Production, §§ 21:10, 21:12
  - Requests for admissions, §§ 23:2, 23:3

## INDEX

### DISCOVERY—Cont'd

- Officers, deposition taking, §§ 21:5, 21:7
- Opinion work product, § 21:2
- Oral examination depositions, §§ 21:5, 21:6, 22:1
- Orders
  - Depositions, §§ 21:5, 21:6
  - Health care information, § 21:11
  - Oral examination depositions, § 21:6
  - Perpetuation of testimony, §§ 22:1, 22:2
  - Physical and mental examinations, § 21:11
  - Protective orders, below
  - Sanctions, §§ 21:13, 23:5
  - Scope of discovery, § 21:2
  - Supplementation of discovery responses, § 21:3
- Ordinary work product, § 21:2
- Parties, § 21:1 et seq.
- Penalties. Sanctions, below
- Perpetuation of Testimony, this index
- Physical examinations, §§ 21:11, 22:1
- Physicians, physical and mental examinations, § 21:11
- Preservation of evidence, § 21:16
- Pretrial conference, §§ 21:12, 24:4
- Privacy, health care information, § 21:11
- Privileges, scope of discovery, § 21:2
- Production of documents and things
  - Generally, § 21:10
  - Expenses, § 21:15
  - Objections, §§ 21:10, 21:12
  - Perpetuation of testimony, § 22:1
  - Requests, §§ 21:6, 21:10
  - Sanctions, § 21:13
  - Subpoenas, § 21:14
- Protective orders
  - Expenses of discovery, § 21:15
  - Health care information, § 21:11
  - Interrogatories, § 21:9
  - Motions, §§ 21:2, 21:12
  - Oral examination depositions, § 21:6

### DISCOVERY—Cont'd

- Protective orders—Cont'd
  - Scope of discovery, § 21:2
- Psychologists, mental examinations, § 21:11
- Punitive damages, scope of discovery, § 21:2
- Purpose
  - Generally, § 21:2
  - Requests for admissions, § 23:1
- Recordation of oral examination depositions, § 21:6
- Release of health care information, § 21:11
- Relevance, scope of discovery, § 21:2
- Reports, physical and mental examinations, § 21:11
- Requests
  - Admissions. Requests for Admissions, this index
  - Inspection of land, § 21:10
  - Oral examination depositions, § 21:6
  - Physical and mental examinations, § 21:11
  - Production of documents and things, §§ 21:6, 21:10
  - Sanctions, § 21:13
- Service
  - Admissions, §§ 23:2, 23:3
  - Production or inspection, § 21:10
- Responses or answers
  - Interrogatories, § 21:9
  - Production or inspection, § 21:10
  - Requests for admissions, §§ 23:2, 23:3
  - Supplementation of discovery responses, § 21:3
- Restrictions. Limitations, above
- Review. Appeal and review, above
- Rules of Evidence, §§ 21:2, 21:9
- Sanctions
  - Generally, §§ 21:2, 21:13
  - Destruction of evidence, § 21:16
  - Failure to attend oral examination deposition, § 21:6
  - Requests for admissions, § 23:5

**DISCOVERY—Cont'd**

- Sanctions—Cont'd
  - Supplementation of discovery responses, § 21:3
- Scope
  - Generally, § 21:2
  - Perpetuation of testimony, § 22:1
  - Physical and mental examinations, § 21:11
- Service
  - Interrogatories, § 21:9
  - Notice, above
  - Requests, above
  - Responses to interrogatories, § 21:9
  - Subpoenas, § 21:14
- Signatures
  - Answers to interrogatories, § 21:9
  - Perpetuation of testimony, affidavit for petition, § 22:2
  - Requests for admissions, § 23:2
- Simplification of issues for trial, § 21:2
- Statutes
  - Generally, §§ 21:1, 21:2
  - Medical records, § 21:11
  - Preservation of evidence, § 21:16
- Stipulations, § 21:4
- Subject matter, scope of discovery, § 21:2
- Subpoenas
  - Generally, § 21:14
  - Depositions, §§ 21:6, 21:7, 21:14
  - Health care information, § 21:11
  - Oral examination depositions, § 21:6
  - Written question depositions, § 21:7
- Summary judgment, §§ 23:3, 26:2
- Supplementation of discovery responses, § 21:3
- Things. Production of documents and things, above
- Time
  - Extension of time for response, requests for admissions, § 23:3
  - Oral examination depositions, § 21:6

**DISCOVERY—Cont'd**

- Time—Cont'd
  - Physical and mental examinations, § 21:11
  - Written question depositions, § 21:7
- Use at trial
  - Answers to interrogatories, § 21:9
  - Depositions, §§ 21:5, 22:4
- Warnings, sanctions, § 21:13
- Witnesses
  - Expert witnesses, §§ 21:2, 21:8
  - Perpetuation of Testimony, this index
  - Supplementation of discovery responses, § 21:3
  - Written question depositions, § 21:7
- Work product, scope of discovery, § 21:2
- Written
  - Notice, oral examination depositions, § 21:6
  - Question depositions, §§ 21:5, 21:7, 22:1
  - Reports, physical and mental examinations, § 21:11

**DISCRETION OF COURT**

- Consolidation of actions, § 25:2
- Discovery, this index
- Dismissals, §§ 27:2, 27:3, 27:6
- Injunctions, §§ 35:1, 35:2, 35:4, 35:7
- Intervention, § 7:10
- Judgments and Decrees, this index
- Jury and Jury Trial, this index
- Motions, this index
- Pleadings, this index
- Pretrial conference, §§ 24:2, 24:3
- Real property actions, specific performance, § 39:6
- Receivers, §§ 37:1, 37:2, 37:5
- Recusal of judge, § 3:3
- Severance of claims, §§ 4:6, 25:4
- Trial, this index
- Verdict type, §§ 30:1, 30:3, 30:4

**DISCRIMINATION IN  
EMPLOYMENT**

- Statute of limitations, § 5:7

## INDEX

### DISMISSALS

- Generally, §§ 27:1-27:7
- Appeals, §§ 27:2, 40:6
- Class actions, §§ 8:7, 27:2
- Close of evidence, motions, § 32:5
- Compulsory counterclaims, § 27:2
- Conditions on dismissal, § 27:3
- Costs on dismissal, § 27:6
- Counterclaims, §§ 27:2, 27:4
- Cross-claims, §§ 27:2, 27:4
- Defensive motions, § 14:1 et seq.
- Discretion of court, §§ 27:2, 27:3, 27:6
- Effect of voluntary dismissal, § 27:4
- Entry of order, § 27:2
- Failure to prosecute, § 27:5
- Federal Rules of Civil Procedure, § 27:1
- Former adjudication, claim preclusion, § 34:2
- Forum non conveniens, § 9:1
- History, § 27:1
- Improper venue, § 27:5
- Involuntary dismissal, §§ 27:1, 27:5, 27:6
- Jury trial, § 27:2
- Lack of subject matter jurisdiction, §§ 2:9, 27:5, 27:7
- Misjoinder of parties, § 7:8
- Motions
  - Generally, §§ 27:3, 27:5
  - Close of evidence, § 32:5
  - Defensive motions, § 14:1 et seq.
  - Lack of subject matter jurisdiction, § 2:9
  - Statute of limitations, § 5:2
  - Trial, § 28:14
- Multiple parties or claims, § 27:4
- Nonsuit, §§ 27:1-27:5
- Orders, §§ 27:2, 27:6, 27:7
- Pleadings, §§ 11:5, 11:8, 27:2, 27:4, 27:5
- Prejudice, §§ 27:1-27:7
- Prevailing party, costs, § 27:6
- Prohibition writ, § 27:4
- Right to voluntary dismissal, §§ 27:2, 27:6
- Service untimely, § 12:2

### DISMISSALS—Cont'd

- Settlements, § 27:7
- Shareholder derivative actions, §§ 27:2, 27:7
- Statute of limitations, §§ 5:2, 5:10, 27:4, 27:5
- Statutes, §§ 27:1, 27:2
- Stipulations, §§ 27:1-27:3, 27:7
- Subject matter jurisdiction lacking, §§ 2:9, 27:5, 27:7
- Third party claims, § 27:2
- Trial motion, § 28:14
- Venue, this index
- Voluntary dismissals, §§ 27:1-27:6
- Wrongful death cases, § 27:4

### DISQUALIFICATION

- Judges, §§ 3:2-3:4
- Jurors, § 29:5

### DISTRICT COURTS

- Appeal to circuit court, §§ 2:2, 2:5
- Judges, §§ 3:1, 3:4, 3:5, 3:8
- Jurisdiction, § 2:5
- Jury trial, §§ 2:5, 29:1
- Pilot district court, §§ 2:5, 3:8
- Rules, §§ 1:6, 2:5-2:7
- Small claims division of district court, §§ 2:5, 7:13
- Subject matter jurisdiction, §§ 2:5, 2:7
- Venue, § 9:12

### DIVISIONS OF COURTS

- Courts, this index

### DIVORCE

- Generally, § 38:1 et seq.
- Absolute divorce, §§ 38:1-38:4
- Actions, § 38:1 et seq.
- Alimony, § 38:2 et seq.
- Attorney's fees, temporary orders, § 38:4
- Bed and board, divorce from, §§ 38:2, 38:4
- Children, support and custody, § 38:2 et seq.
- Choice of law, § 6:10
- Circuit courts, §§ 38:2, 38:5
- Complaints, § 38:2

**DIVORCE—Cont'd**

- Contempt, enforcement, §§ 38:4, 38:7
- Corroboration, §§ 38:2, 38:4
- Counseling prerequisite to divorce, covenant marriage, § 38:2
- Covenant marriage, counseling prerequisite to divorce, § 38:2
- Custody of children, § 38:5
- Decree, § 38:2 et seq.
- Defenses, § 38:2
- Domestic relations division of circuit court, § 38:2
- Domicile, venue, § 38:2
- Enforcement, §§ 38:4, 38:7
- Equity action, § 38:2
- Evidence, §§ 38:2, 38:4, 38:5
- Expert witness fees, temporary orders, § 38:4
- Failure to appear, § 38:2
- Filing complaints, § 38:2
- Grounds, § 38:2
- Independent agreement, § 38:5
- In rem jurisdiction, § 38:2
- Intervention, § 38:2
- Jurisdiction, §§ 38:2, 38:5, 38:7
- Limited divorce, §§ 38:1-38:4
- Long-arm statute, jurisdiction, § 38:2
- Marital property, § 38:2
- Modification of decree, § 38:5
- Motion for modification of decree, § 38:5
- Nonresidents, § 38:2
- Orders, §§ 38:4, 38:5, 38:7
- Personal jurisdiction, § 38:2
- Property, § 38:2
- Residence, venue, § 38:2
- Separate property, § 38:2
- Statutes, § 38:1
- Support and maintenance, § 38:2 et seq.
- Temporary orders, § 38:4
- Transfer of case, § 38:2
- Uncontested divorce, § 38:2
- Venue, §§ 9:9, 9:11, 38:2, 38:5
- Visitation, § 38:5
- Waiver of corroboration, § 38:2
- Witnesses, § 38:2

**DOCTORS**

- Discovery, physical and mental examinations, § 21:11

**DOCUMENTARY EVIDENCE**

- Summary judgment, § 26:3
- Trial, § 28:8

**DOCUMENTS**

- Amendment, § 18:6
- Discovery, this index
- Pleadings, official documents, § 11:13
- Trial subpoenas, production of documents, § 28:4

**DOMESTIC ABUSE ACT**

- Generally, §§ 2:5, 3:8, 38:4

**DOMESTIC RELATIONS**

- Circuit court division, §§ 2:3, 38:2
- Divorce, § 38:2
- Venue, § 9:9

**DOMICILE**

- Choice of law, §§ 6:3, 6:9, 6:10
- Divorce, venue, § 38:2

**DUCES TECUM SUBPOENAS**

- Discovery, § 21:14

**DUE PROCESS**

- Choice of law, § 6:2
- Discovery sanctions, § 21:13
- Enforcement of judgments, execution, § 33:1
- Personal jurisdiction, § 10:2

**DURATION**

- Judgments, § 31:8
- Preliminary injunctions, § 35:2

**DURESS**

- Complaints, § 11:7

**DUTIES**

- Discovery, this index
- Receivers, § 37:4

**EJECTMENT ACTION**

- Generally, § 39:2

**ELECTIONS**

- Judges, § 3:1



## INDEX

### **ELECTIONS—Cont'd**

Statute of limitations, § 5:7

### **ELECTRONIC**

Discovery, §§ 21:10, 21:18

Opinions, § 1:11

Transmission of pleadings, § 11:17

### **ELEMENTS OF CAUSE OF ACTION**

Pleadings, § 11:9

### **EMANCIPATION**

Termination of child support, § 38:7

### **EMERGENCY RESPONDERS**

Immunity from suit, § 7:1

### **EMPLOYMENT**

Discrimination, statute of limitations, § 5:7

Receivers, § 37:4

### **ENCUMBRANCES**

Liens, this index

### **ENDORSEMENT OF SHERIFF**

Enforcement of judgments, execution, § 33:1

### **ENFORCEMENT**

Contempt, this index

Divorce, §§ 38:4, 38:7

Injunctions, § 35:6

Judgments, Enforcement of Judgments, this index

### **ENFORCEMENT OF JUDGMENTS**

Generally, §§ 33:1-33:10

Alias executions, § 33:1

Appeal, execution, § 33:1

Assistance writ, § 33:6

Bills, creditor's, § 33:9

Bonds, execution, §§ 33:3, 33:4

Caveat emptor doctrine, judicial sales, § 33:5

Citation, contempt, § 33:7

Clerk of court

Assistance writ, § 33:6

Executions, §§ 33:1, 33:3

Foreign judgments, § 33:10

Possession writ, § 33:6

Relief from execution, § 33:3

### **ENFORCEMENT OF JUDGMENTS—Cont'd**

Comity, foreign judgments, § 33:10

Contempt, § 33:7

Costs, execution, § 33:1

Counties, location of property for execution, § 33:1

Creditors and debtors, § 33:1 et seq.

Criminal contempt, § 33:7

Debtors and creditors, § 33:1 et seq.

Deeds of trust, judicial sales, § 33:5

Defenses, judicial sales, § 33:5

Discovery in aid of execution, § 33:8

Divorce, § 38:7

Due process, execution, § 33:1

Endorsement of sheriff, execution, § 33:1

Entry of judgment, execution, § 33:1

Equity

Creditor's bills, § 33:9

Writs of assistance, § 33:6

Execution, §§ 33:1-33:4, 33:8-33:10

Exemptions, execution, §§ 33:1, 33:2

Federal matters

Exemptions, execution, § 33:1

Foreign judgments, § 33:10

Filing of foreign judgment, § 33:10

Foreign judgments, § 33:10

Forthcoming bond, execution, § 33:4

Full faith and credit, foreign judgments, § 33:10

Homestead exemption, execution, § 33:2

Independent actions

Discovery in aid of execution, § 33:8

Foreign judgments, § 33:10

Issuance

Executions, § 33:1

Possession writ, § 33:6

Joint execution, § 33:1

Judicial sales, § 33:5

Levy of execution, § 33:4

Liens, executions, § 33:1

Location of property, execution, § 33:1

Mortgages, judicial sales, § 33:5

Multiple executions, § 33:1

## ENFORCEMENT OF JUDGMENTS

### —Cont'd

- Native American tribal court judgments, § 33:10
- Notice, executions, §§ 33:1, 33:4
- Objections, possession writ, § 33:6
- Order to sheriff, execution, § 33:1
- Partial stay of execution, § 33:3
- Personal property, § 33:1 et seq.
- Possession
  - Execution, § 33:2
  - Judicial sales, § 33:5
  - Writs of assistance and possession, § 33:6
- Posting bonds, execution, §§ 33:3, 33:4
- Prevailing party, possession writ, § 33:6
- Property, § 33:1 et seq.
- Quashal of execution, § 33:3
- Real property, § 33:1 et seq.
- Redemption from sale, §§ 33:4, 33:5
- Relief, § 33:1 et seq.
- Return of execution, §§ 33:1, 33:8
- Revised Uniform Enforcement of Foreign Judgments Act, § 33:10
- Sales
  - Execution sales, §§ 33:1, 33:4
  - Judicial sales, § 33:5
- Satisfaction of judgment, execution, § 33:1
- Seizure of property, execution, § 33:4
- Servicemembers Civil Relief Act, execution, § 33:1
- Setting aside execution, § 33:3
- Sheriff
  - Execution, §§ 33:1, 33:3, 33:4
  - Possession writ, § 33:6
- Statutes, § 33:1 et seq.
- Stays, execution, §§ 33:1, 33:3
- Trust deeds, judicial sales, § 33:5
- Writs
  - Assistance and possession, § 33:6
  - Execution, §§ 33:1, 33:8

## ENTRUSTMENT

- Negligent entrustment, pleadings, § 11:9

## ENTRY

- Judgments and Decrees, this index
- Orders, this index

## ENTRY ON PROPERTY

- Forcible entry and detainer, § 39:3

## EQUAL PROTECTION

- Choice of law, § 6:2

## EQUITY AND EQUITABLE MATTERS

- Divorce action, § 38:2
- Enforcement of Judgments, this index
- Injunctions, this index
- Jurisdiction, § 4:1
- Jury trial right, §§ 29:2, 29:3
- Merger of Law and Equity, this index
- Real property actions, § 39:1 et seq.
- Subrogation, §§ 11:9, 17:2

## ERRORS OR MISTAKES

- Clerical errors, §§ 20:4, 31:7, 32:4
- Discovery, § 21:4
- Motions, this index
- Pleadings, this index
- Trial, this index

## ESTOPPEL

- Former Adjudication, this index

## EVIDENCE

- Admissibility of Evidence, this index
- Admissions, this index
- Appeal and Review, this index
- Burden of Proof, this index
- Choice of law, §§ 6:4, 6:11
- Default judgment, damages, § 19:5
- Discovery, this index
- Divorce, §§ 38:2, 38:4, 38:5
- Documentary Evidence, this index
- Motions, this index
- Pleadings, this index
- Real Property, this index
- Rules of Evidence
  - County courts, § 2:6
  - Discovery, §§ 21:2, 21:9
  - District courts, § 2:5
  - Sources of law on civil procedure, § 1:9
- Trial, this index

## INDEX

### **EVIDENCE—Cont'd**

- Rules of Evidence—Cont'd
  - Verdict impeachment, § 30:6
- Service of Process and Other Papers, this index
- Subpoenas, this index
- Summary judgment, §§ 26:2-26:4, 26:6
- Trial, this index
- Witnesses, this index

### **EX PARTE TEMPORARY RESTRAINING ORDERS**

- Generally, § 35:2

### **EXACTION**

- Illegal exaction suits, §§ 8:12, 34:2

### **EXAMINATION OR EXAMINATIONS**

- Discovery, this index
- Trial witnesses, §§ 28:8, 28:9

### **EXCEPTIONS TO RULINGS**

- Trial, § 28:11

### **EXCESSIVE DAMAGES**

- New trial motion, §§ 32:2, 32:3

### **EXCHANGES**

- Judges, § 3:5

### **EXCLUSIONS**

- Appeal and Review, this index
- Discovery, this index
- Enforcement of judgments, execution, §§ 33:1, 33:2
- Rules, sources of law on civil procedure, §§ 1:3-1:6
- Statute of limitations, savings statute, § 5:10
- Trial, exclusion of evidence, §§ 28:7, 28:10, 28:20
- Venue, §§ 9:8, 9:10

### **EXCLUSIVE ORIGINAL JURISDICTION**

- Circuit and county courts, §§ 2:4, 2:6

### **EXCUSAL FROM JURY SERVICE**

- Generally, § 29:5

### **EXECUTION**

- Enforcement of judgments, §§ 33:1-33:4, 33:8-33:10

### **EXECUTORS AND ADMINISTRATORS**

- Parties, §§ 7:1, 7:14

### **EXEMPLARY DAMAGES**

- Punitive Damages, this index

### **EXEMPTIONS**

- Exclusions, this index

### **EXHIBITS**

- Pleadings, §§ 11:10, 15:1
- Trial, § 28:8

### **EXPENSES**

- Costs and Expenses, this index

### **EXPERTS AND EXPERT WITNESSES**

- Discovery, §§ 21:2, 21:8
- Divorce, temporary orders, § 38:4
- Fees for expert witnesses, §§ 31:4, 38:4
- Judgments, § 31:4
- Trial, § 28:8

### **EXPRESS CONSENT**

- Amendment of pleadings, § 18:2

### **EXTENSION OF TIME**

- Answers, §§ 15:2, 15:7
- Appeal and Review, this index
- Counterclaim reply, filing, § 15:7
- Judgment's duration, § 31:8
- Motions, this index
- Requests for admissions, response, § 23:3
- Service of process and other papers, §§ 12:2, 12:20, 12:21
- Statute of limitations, § 5:1

### **FACSIMILE**

- Entry of order or judgment, §§ 20:3, 31:6
- Pleadings, filing and service, § 11:17

### **FACTS**

- Findings of Fact, this index
- Motions, § 13:1 et seq.

**FACTS—Cont'd**

- Pleadings, § 11:1 et seq.
- Questions of Law or Fact, this index
- Requests for admissions, §§ 23:1-23:5
- Summary judgment, § 26:1 et seq.

**FAILURE TO APPEAR**

- Divorce, § 38:2

**FAILURE TO ATTEND**

- Depositions, § 21:6

**FAILURE TO COMPLY**

- Compliance or Noncompliance, this index

**FAILURE TO DENY**

- Answers, § 15:4

**FAILURE TO PROSECUTE**

- Dismissals, § 27:5

**FAILURE TO STATE FACTS  
UPON WHICH RELIEF CAN  
BE GRANTED**

- Defensive motion, §§ 14:1, 14:7

**FAX**

- Facsimile, this index

**FEDERAL MATTERS**

- Courts, this index
- Enforcement of Judgments, this index
- Motion to compel arbitration, Federal Arbitration Act, § 14:14
- Rules. Federal Rules of Civil Procedure, this index
- Service of process and other papers, §§ 12:1, 12:11
- Servicemembers Civil Relief Act, this index
- Social Security Act, § 38:7
- Sources of law on civil procedure, §§ 1:2, 1:3
- Subject matter jurisdiction, cases arising under federal law, § 2:8

**FEDERAL RULES OF CIVIL  
PROCEDURE**

- Class actions, § 8:1
- Discovery, § 21:1 et seq.
- Dismissals, § 27:1

**FEDERAL RULES OF CIVIL  
PROCEDURE—Cont'd**

- Joinder of parties, § 7:6
- Sources of law on civil procedure, § 1:2
- Summary judgment, § 26:1
- Supplemental pleadings, accrual of cause of action, § 4:2

**FEES**

- Attorney's Fees, this index
- Judgments and Decrees, this index
- Witnesses, this index

**FICTITIOUS NAMES**

- Parties, § 7:5

**FILING**

- Appeal and Review, this index
- Enforcement of foreign judgment, § 33:10
- Jury trial demand, § 29:4
- Motions, this index
- Perpetuation of testimony, petition, § 22:2
- Pleadings, this index
- Trial briefs, § 28:22

**FINAL AND FINALITY**

- Appeals, §§ 40:2, 40:3
- Judgments and Decrees, this index

**FINDINGS**

- Amendment of findings motion, §§ 32:8, 32:10
- Facts. Findings of Fact, this index

**FINDINGS OF FACT**

- Injunctions, § 35:2
- Judgments, §§ 31:1-31:3
- Trial, this index
- Verdict, § 30:1

**FIRST AMENDMENT**

- Trial, public nature of proceedings, § 28:5

**FIRST CLASS MAIL**

- Service of process and other papers, § 12:5

## INDEX

### **FORCIBLE ENTRY AND DETAINDER ACTION**

Generally, § 39:3

### **FOREIGN CORPORATIONS**

Parties, § 7:1

Personal jurisdiction, § 10:2

Service on, § 12:7

Venue, residence, § 9:4

### **FOREIGN COUNTRY**

Deposition taking, § 21:5

### **FOREIGN JUDGMENTS**

Enforcement, § 33:10

### **FORM OR FORMAT**

Actions, §§ 4:1, 11:8

Answers, § 15:1

Counterclaims, § 16:1

Cross-claims, § 16:1

Injunctions, § 35:5

Judgments, § 31:1

Motions posttrial, § 32:9

Notices, § 13:6

Orders, § 20:2

Process, § 12:3

Requests for admissions and responses thereto, § 23:2

Trial subpoenas, § 28:4

### **FORMER ADJUDICATION**

Generally, §§ 34:1-34:5

Administrative agencies, issue preclusion, § 34:3

Affirmative defenses

Claim/issue preclusion, § 34:1

Judicial estoppel, § 34:5

Appeal

Judicial estoppel, § 34:5

Law of the case, § 34:4

Cause of action, claim preclusion, § 34:2

Claim preclusion, §§ 34:1, 34:2

Class actions, claim preclusion, § 34:2

Criminal cases, issue preclusion, § 34:3

Determinations, § 34:2 et seq.

Dismissals, claim preclusion, § 34:2

### **FORMER ADJUDICATION**

—Cont'd

Estoppel

Judicial estoppel, § 34:5

Mutuality of estoppel, issue preclusion, § 34:3

Final judgment, claim/issue preclusion, §§ 34:2, 34:3

Illegal exaction cases, claim preclusion, § 34:2

Inconsistent positions, judicial estoppel, § 34:5

Issue preclusion, §§ 34:1, 34:3

Judgments, §§ 34:1-34:3

Judicial estoppel, § 34:5

Jurisdiction, claim preclusion, § 34:2

Law of the case, § 34:4

Mutuality of estoppel, issue preclusion, § 34:3

Parties

Claim preclusion, § 34:2

Issue preclusion, § 34:3

Judicial estoppel, § 34:5

Pleadings, judicial estoppel, § 34:5

Preclusion, claim/issue, §§ 34:1-

Privity, claim/issue preclusion, §§ 34:2, 34:3

Purpose of claim/issue preclusion, § 34:1

Res judicata, § 34:1

Restatement (Second) of Judgments, res judicata, § 34:1

### **FORTHCOMING BOND**

Enforcement of judgments, execution, § 33:4

### **FORUM NON CONVENIENS**

Generally, §§ 9:1, 10:2

### **FRAUD**

Judgments, setting aside, §§ 31:7, 31:9

Pleadings, §§ 11:7, 11:9

Statute of limitations, §§ 5:5, 5:7, 5:8

Statute of repose, § 5:11

### **FRIVOLOUS APPEALS**

Generally, § 40:6

**FULL FAITH AND CREDIT**

Generally, §§ 6:2, 33:10

**GENERAL DAMAGES**

Pleadings, § 11:12

**GENERAL DENIALS**

Answers, § 15:3

**GENERAL VERDICT**

Generally, §§ 30:1-30:3

**GENUINE ISSUE OF MATERIAL FACT**

Summary judgment, § 26:2 et seq.

**GOOD CAUSE**

Discovery, this index

Receiver's removal, § 37:5

Trial continuances, § 28:2

**GOOD FAITH**

Ejectment action, § 39:2

**GOVERNING LAW**

Choice of Law, this index

**GOVERNMENTAL ENTITIES**

Parties, §§ 7:1-7:3

Service on, § 12:11

**GUARDIANS**

Annulment of marriage, § 38:6

Parties, §§ 7:4, 7:14

Service on incompetents, § 12:9

**HARM**

Injury or Harm, this index

**HEADING**

Answers, §§ 15:1, 15:7

Counterclaim and reply thereto,  
§§ 15:7, 16:1

Cross-claims, § 16:1

**HEALTH CARE INFORMATION**

Discovery, § 21:11

**HEARINGS**

Default judgment, § 19:5

Discovery, this index

Injunctions, §§ 35:2, 35:3

Motions, this index

Notices, § 13:6

**HEARINGS—Cont'd**

Quieting title action, § 39:4

Subpoenas, § 28:4

**HISTORY**

Consolidation, separate trials and  
severance, § 25:1

Declaratory judgments, § 36:1

Discovery, § 21:1

Dismissals, § 27:1

Pretrial conference, § 24:1

Sources of law on civil procedure,  
§ 1:2

Summary judgment, § 26:1

**HOMESTEAD EXEMPTION**

Enforcement of judgments, execu-  
tion, § 33:2

**HOSTILE OR ADVERSE  
WITNESSES**

Trial, § 28:9

**HUSBAND AND WIFE**

Spouses, this index

**IDENTITY**

Class action members, § 8:2

**ILLEGAL OR UNLAWFUL  
MATTERS**

Crimes and Criminal Matters, this  
index

Detainer action, § 39:3

Exaction suits, §§ 8:12, 34:2

Violations, this index

**IMMUNITY**

Parties, § 7:1

**IMPEACHING VERDICT**

Generally, § 30:6

**IMPLEADER**

Third party practice, §§ 17:1-17:3

**IMPLIED CONSENT**

Amendment of pleadings, §§ 18:2,  
18:3

Personal jurisdiction, § 10:2

**IMPLIED WARRANTY BREACH**

Pleadings, elements of cause of  
action, § 11:9

## INDEX

### IMPRACTICABILITY OF JOINDER

Class actions, §§ 8:2, 8:3

### IMPROPER MATTERS

Argument, trial, § 28:17

Misconduct, this index

Venue, this index

### IMPROVEMENTS

Ejectment action, § 39:2

### INADEQUACY

Sufficiency or Insufficiency, this index

### INCOME WITHHOLDING

Child support cases, § 38:7

### INCOMPETENTS

Choice of law, domicile, § 6:3

Default judgment, § 19:1

Parties, §§ 7:4, 7:11, 7:14

Service on, § 12:9

Statute of limitations, tolling, § 5:8

### INCONSISTENT MATTERS

Answers to questions, special verdict, § 30:4

Pleading, §§ 11:5, 11:6

Positions, judicial estoppel, § 34:5

### IN CONTROVERSY

Discovery, physical and mental examinations, § 21:11

### INDEMNITY

Third party practice, § 17:2

### INDEPENDENT ACTIONS

Judgments and Decrees, this index

Perpetuation of testimony, § 22:5

Separate maintenance, § 38:3

### INDEPENDENT AGREEMENT

Divorce, § 38:5

### INFANTS

Children or Minors, this index

### INJUNCTIONS

Generally, §§ 35:1-35:7

Amount of bond, § 35:4

Appeal, § 35:7

### INJUNCTIONS—Cont'd

Attorney General, § 35:1

Bonds, § 35:4

Circuit courts, § 35:1

Conditions on issuance, § 35:4

Consolidation of hearings, § 35:3

Contempt, enforcement, § 35:6

Criminal contempt, enforcement, § 35:6

Definiteness, § 35:5

Definition of injunction, § 35:1

Discretion of court, §§ 35:1, 35:2, 35:4, 35:7

Duration of preliminary injunctions, § 35:2

Enforcement, § 35:6

Ex parte temporary restraining orders, § 35:2

Findings of fact, § 35:2

Form, § 35:5

Hearings, §§ 35:2, 35:3

Irreparable harm, §§ 35:1, 35:2

Issuance, §§ 35:1, 35:2, 35:4

Mandatory injunctions, § 35:1

Merger of law and equity, § 35:1

Notice, § 35:2

Permanent injunctions, §§ 35:3, 35:5

Posting of bond, § 35:4

Preliminary injunctions, §§ 35:2-35:4, 35:7

Prohibitory injunctions, § 35:1

Purpose of bond, § 35:4

Scope, § 35:5

Seizure of property, enforcement, § 35:6

Sequestration of property, enforcement, § 35:6

Temporary restraining orders, §§ 35:2-35:5, 35:7

Violations, §§ 35:5, 35:6

### INJURY OR HARM

Injunctions, irreparable harm, §§ 35:1, 35:2

Medical Injury Actions, this index

Personal injury actions, statute of repose, § 5:11

Property damage. Damage to Property, this index



**IN LIMINE MOTION**

Pretrial conference, § 24:5

**IN PERSONAM**

Actions, § 4:1

Jurisdiction, this index

**IN REM**

Actions, § 4:1

Jurisdiction, this index

Quasi In Rem, this index

**INSPECTION OF DOCUMENTS  
AND LAND**

Discovery, § 21:10

**INSTRUCTIONS TO JURY**

Generally, § 28:19

**INSUFFICIENCY**

Sufficiency or Insufficiency, this  
index

**INSURANCE**

Declaratory judgments, § 36:1

Discovery, scope, § 21:2

Statute of limitations, § 5:4

**INTANGIBLE PERSONAL  
PROPERTY**

Choice of law, § 6:9

**INTENT TO CHANGE DOMICILE**

Choice of law, § 6:3

**INTEREST ON JUDGMENT**

Generally, § 31:10

**INTERFERENCE WITH  
CONTRACT OR BUSINESS  
EXPECTANCY**

Pleadings, elements of cause of  
action, § 11:9

**INTERPLEADER**

Generally, § 7:9

**INTERPRETATION**

Construction and Interpretation, this  
index

**INTERROGATORIES**

Discovery, this index

General verdict accompanied by,  
§§ 30:1, 30:3

**INTERVENTION**

Generally, §§ 7:10, 38:2

**INVOLUNTARY MATTERS**

Dismissal, §§ 27:1, 27:5, 27:6

Partition, § 39:7

Voluntary Matters, this index

**IRREGULARITIES**

Defects or Irregularities, this index

**IRREPARABLE HARM**

Injunctions, §§ 35:1, 35:2

**ISSUANCE**

Declaratory judgments, § 36:2

Enforcement of Judgments, this index

Injunctions, §§ 35:1, 35:2, 35:4

Process, § 12:3

Subpoenas, §§ 21:14, 28:4

**ISSUES**

Choice of law, § 6:5

Discovery, this index

Former adjudication, issue preclu-  
sion, §§ 34:1, 34:3

Separate trials, §§ 25:1, 25:3

Setting trial date, joinder of issues,  
§ 28:1

**JOINDER**

Claims. Joinder of Claims, this index

Defenses, answers, § 15:6

Issues, setting trial date, § 28:1

Misjoinder of claims or parties,  
§§ 4:6, 7:8

New trial and judgment  
notwithstanding the verdict  
motions, §§ 32:1, 32:6

Parties. Joinder of Parties, this index

**JOINDER OF CLAIMS**

Generally, § 4:5

Misjoinder of claims, § 4:6

Rules of Civil Procedure, § 4:5

Statutes, § 4:5

Venue, § 9:2

**JOINDER OF PARTIES**

Generally, §§ 7:6-7:8

Class actions, impracticability of  
joinder, §§ 8:2, 8:3

## INDEX

### **JOINDER OF PARTIES—Cont'd**

- Consolidation of actions, §§ 25:1, 25:2
- Counterclaims, § 16:1
- Cross-claims, § 16:1
- Mandatory joinder, § 7:6
- Misjoinder, § 7:8
- Nonjoinder of parties, §§ 7:8, 14:1, 14:8
- Partition action, § 39:7
- Permissive joinder, § 7:7
- Venue, §§ 7:7, 9:2

### **JOINT EXECUTION**

- Enforcement of judgments, § 33:1

### **JOINT STOCK COMPANIES**

- Receivers, § 37:4

### **JUDGES**

- Generally, §§ 3:1-3:8
- Administrative Orders, §§ 3:2, 3:4, 3:5
- Appeals, §§ 3:1, 3:3
- Appointment of referees, masters and magistrates, § 3:8
- Assignment, §§ 2:3, 3:2, 3:4, 3:5
- Assistance, § 3:5
- Bench Trials, this index
- Bias, disqualification, § 3:3
- Circuit courts, §§ 2:3, 3:1, 3:2, 3:4, 3:5, 3:8
- City courts, §§ 3:1, 3:4
- Conduct of judge at trial, § 28:13
- Constitutional Amendment 80, §§ 3:1-3:4
- County courts, §§ 3:1, 3:4
- Court of Appeals, § 3:1
- De facto judges, § 3:7
- Disability, § 3:2
- Discretion, recusal, § 3:3
- Disqualification, §§ 3:2-3:4
- District courts, §§ 3:1, 3:4, 3:5, 3:8
- Divisions of circuit courts, § 2:3
- Election, § 3:1
- Exchanges, § 3:5
- Magistrates, appointment, § 3:8
- Masters, appointment, § 3:8
- Mayors, city courts, § 3:1
- Motion for recusal, § 3:3

### **JUDGES—Cont'd**

- Pretrial conference, § 24:2
- Qualifications, §§ 3:1, 3:4
- Recusal, § 3:3
- Referees, appointment, § 3:8
- Resignation, § 3:2
- Special judges, §§ 3:2, 3:4
- Special masters, appointment, § 3:8
- Statutes, §§ 3:3, 3:6
- Stipulations, temporary judges, § 3:6
- Sua Sponte Matters, this index
- Successor judges, § 3:2
- Temporary judges, §§ 3:2, 3:4-3:6
- Term of office, § 3:1

### **JUDGMENTS AND DECREES**

- Generally, §§ 31:1-31:10
- Acceptance of offer of judgment, § 31:5
- Access of public to judgments, § 31:1
- Administrative Order, entry of judgment, § 31:6
- Ambiguous judgment, § 31:1
- Amendment. Modification, below
- Amount
  - Attorney's fees, § 31:4
  - Damages, § 31:3
  - Interest on judgment, § 31:10
- Appeal and Review, this index
- Attorney's fees, §§ 31:4, 31:5
- Caption of judgment, § 31:1
- Certificate, multiple parties or claims, § 31:2
- Clerical errors, modification of judgment, § 31:7
- Clerk of court
  - Enforcement of Judgments, this index
  - Entry and recording of judgment, § 31:6
- Conclusions of law, §§ 31:1, 31:3
- Consent judgment, §§ 31:1, 31:9
- Constitutional matters, interest, § 31:10
- Construction of judgment, § 31:1
- Contracts
  - Costs and attorney's fees, § 31:4
  - Declaratory judgments, § 36:1

## JUDGMENTS AND DECREES

### —Cont'd

- Correction of clerical errors,  
modification of judgment,  
§ 31:7
- Costs, §§ 31:4, 31:5
- Creditors and debtors
  - Duration of judgment, § 31:8
  - Enforcement of judgments, § 33:1  
et seq.
- Damages
  - Generally, §§ 31:3, 31:10
  - Default judgment, § 19:5
- Declaratory Judgments, this index
- Default Judgment, this index
- Defenses, satisfaction of judgment,  
§ 31:8
- Definition of judgment, § 31:1
- Discretion of court
  - Consent judgment, § 31:9
  - Declaratory judgments, § 36:2
  - Default judgment, §§ 19:4, 19:7
  - Offer of judgment, § 31:5
  - Summary judgment, § 26:2
- Divorce, § 38:2 et seq.
- Duration of judgment, § 31:8
- Enforcement of Judgments, this index
- Entry of judgment
  - Generally, § 31:6
  - Appeals, §§ 40:3, 40:4
  - Consent judgment, § 31:9
  - Declaratory judgments, § 36:2
  - Default judgment, §§ 19:1, 19:4
  - Enforcement of judgments, execu-  
tion, § 33:1
  - Multiple parties or claims, § 31:2
  - Summary judgment, §§ 26:2, 26:5
- Expert witness fees, § 31:4
- Extension of duration of judgment,  
§ 31:8
- Facsimile entry of judgment, § 31:6
- Fees
  - Attorney's fees, §§ 31:4, 31:5
  - Expert witnesses, § 31:4
- Final judgment and finality
  - Generally, §§ 31:1, 31:3, 31:4

## JUDGMENTS AND DECREES

### —Cont'd

- Final judgment and finality—Cont'd
- Forcible entry and detainer and  
unlawful detainer actions,  
§ 39:3
- Former adjudication, claim/issue  
preclusion, §§ 34:2, 34:3
- Findings of fact, §§ 31:1-31:3
- Form of judgment, § 31:1
- Former adjudication, §§ 34:1-34:3
- Fraud, setting aside judgment,  
§§ 31:7, 31:9
- Independent actions
  - Enforcement of Judgments, this  
index
  - Relief from judgment, § 31:7
- Interest on judgment, § 31:10
- Liens
  - Generally, § 31:6
  - Duration of judgment, § 31:8
  - Enforcement of judgments, execu-  
tions, § 33:1
  - Statute of limitations, § 5:6
- Misrepresentation, setting aside judg-  
ment, § 31:7
- Modification
  - Generally, §§ 18:6, 31:7
  - Divorce, § 38:5
  - Motions, §§ 31:7, 32:4, 32:10,  
38:5
- Motions, this index
- Multiple parties or claims, § 31:2
- Offer of judgment, § 31:5
- Pleadings, § 11:13
- Postjudgment interest, § 31:10
- Precedent, form of judgment, § 31:1
- Prejudgment interest, § 31:10
- Prevailing party
  - Costs and attorney's fees, § 31:4
  - Enforcement of judgments, posses-  
sion writ, § 33:6
- Public access to judgments, § 31:1
- Question of law, rate of interest on  
judgment, § 31:10
- Rate of interest on judgment, § 31:10
- Real Property, this index
- Reasonable attorney's fees, § 31:4

## INDEX

### JUDGMENTS AND DECREES

#### —Cont'd

- Recording judgment, § 31:6
- Relief from judgment, § 31:7
- Revival of judgment, § 31:8
- Satisfaction of judgment, §§ 31:8, 33:1
- Scire facias writ, duration of judgment, § 31:8
- Sealing of judgment, § 31:1
- Service of offer of judgment, § 31:5
- Setting aside judgment
  - Generally, §§ 31:7, 31:9
  - Default judgment, § 19:7
- State, attorney's fees, § 31:4
- Statute of limitations, §§ 5:2, 5:6, 5:7
- Statutes, § 31:1 et seq.
- Subject matter jurisdiction, § 2:1
- Summary Judgment, this index
- Survival of judgment, § 31:8
- Torts, §§ 31:4, 31:10
- Vacation of judgment, § 31:7
- Verdict and judgment distinguished, § 31:1
- Writ of scire facias, duration of judgment, § 31:8

### JUDICIAL ESTOPPEL

- Former adjudication, § 34:5

### JUDICIAL SALES

- Generally, §§ 33:5, 39:7

### JURISDICTION

- Generally, §§ 10:1-10:4
- Appeal and Review, this index
- Appearance, personal jurisdiction, § 10:2
- Challenges to jurisdiction, §§ 2:9, 10:2
- Concurrent jurisdiction
  - City courts, § 2:7
  - District and circuit courts, § 2:5
  - Federal law, cases arising under, § 2:8
  - Juvenile cases, § 2:4
- Consent
  - Personal jurisdiction, § 10:2
  - Subject matter jurisdiction, § 2:1

### JURISDICTION—Cont'd

- Constitutional matters, personal jurisdiction, § 10:2
- Contracts, personal jurisdiction, § 10:2
- Corporations, personal jurisdiction, § 10:2
- Defenses, personal jurisdiction, § 10:2
- Defensive motions, lack of jurisdiction, §§ 14:1-14:3
- Definitions
  - Jurisdiction of the person or thing, § 10:1
  - Jurisdiction of the subject matter, § 10:1
- Dismissals, lack of subject matter jurisdiction, §§ 2:9, 27:5, 27:7
- Divorce, §§ 38:2, 38:5, 38:7
- Due process, personal jurisdiction, § 10:2
- Equity jurisdiction, § 4:1
- Exclusive original jurisdiction, circuit and county courts, §§ 2:4, 2:6
- Federal law, cases arising under, subject matter jurisdiction, § 2:8
- Foreign corporations, personal jurisdiction, § 10:2
- Former adjudication, claim preclusion, § 34:2
- Forum non conveniens, personal jurisdiction, § 10:2
- Implied consent, personal jurisdiction, § 10:2
- In personam jurisdiction. Personal jurisdiction, below
- In rem jurisdiction
  - Generally, §§ 10:1, 10:3, 10:4
  - Divorce, § 38:2
- Lack of jurisdiction
  - Generally, § 10:1
  - Defensive motions, §§ 14:1-14:3
  - Subject matter jurisdiction, below
- Long-arm statutes, §§ 10:2, 38:2
- Original jurisdiction
  - Circuit courts, §§ 2:2, 2:4
  - Exclusive original jurisdiction, circuit and county courts, §§ 2:4, 2:6

**JURISDICTION—Cont'd**

- Personal jurisdiction
  - Generally, §§ 10:1, 10:2
  - Defensive motion, lack of personal jurisdiction, §§ 14:1, 14:3
  - Divorce, § 38:2
  - Pleadings, § 11:4
- Personal property, § 10:3
- Pleadings, this index
- Property
  - Generally, §§ 10:1, 10:3, 10:4
  - Real property actions, §§ 2:5, 10:3
- Quasi in rem jurisdiction, §§ 10:1, 10:4
- Real property actions, §§ 2:5, 10:3
- Service of process distinguished, § 12:1
- Status, § 10:1
- Statutes, personal jurisdiction, § 10:2
- Subject matter jurisdiction
  - Generally, §§ 2:1-2:9, 10:1
  - Lack of subject matter jurisdiction
    - Generally, §§ 2:1, 2:2, 2:5, 2:6, 2:9
    - Defensive motion, §§ 14:1, 14:2
    - Dismissals, §§ 2:9, 27:5, 27:7
    - Pleadings, §§ 2:9, 11:4
  - Parties, this index
  - Pleadings, this index
- Things, § 10:1 et seq.
- Third party practice, § 17:3
- Uniform Interstate Family Support Act, § 38:7
- Venue distinguished, § 9:1
- Waiver of subject matter jurisdiction, § 2:1

**JURY AND JURY TRIAL**

- Generally, §§ 29:1-29:8
- Advisory jury, § 29:4
- Alternate jurors, § 29:7
- Attorneys, voir dire, § 29:6
- Cause challenges to jurors, § 29:6
- Challenges to jurors, § 29:6
- Choice of law, § 6:4
- Clerk of court, demand for jury trial, § 29:4
- Common law, right to trial by jury, § 29:2

**JURY AND JURY TRIAL—Cont'd**

- Constitutional matters
  - Peremptory challenges to jurors, § 29:6
  - Right to trial by jury, §§ 29:1-29:4
  - Waiver of right to trial by jury, § 29:4
- County courts, § 29:1
- Declaratory judgments, § 36:3
- Deliberations of jury, § 29:8
- Demand for jury trial, §§ 29:1, 29:4
- Discretion of court
  - Deliberations of jury, § 29:8
  - Voir dire, § 29:6
- Dismissals, § 27:2
- Disqualification of jurors, § 29:5
- District courts, §§ 2:5, 29:1
- Equity, right to trial by jury, §§ 29:2, 29:3
- Excusal from jury service, § 29:5
- Filing demand for jury trial, § 29:4
- Instructions to jury, § 28:19
- Merger of law and equity, right to trial by jury, § 29:3
- Misconduct of jurors
  - Deliberations, § 29:8
  - New trial motion, § 32:2
- Mixed cases, § 29:3
- Motions, this index
- Number of jurors, § 29:1
- Objections, peremptory challenges to jurors, § 29:6
- Order of trial, § 28:6
- Panels of prospective jurors, §§ 29:5, 29:6
- Peremptory challenges to jurors, § 29:6
- Qualification of jurors, § 29:5
- Questions
  - Fact questions. Questions of Law or Fact, this index
  - Voir dire, § 29:6
- Right to trial by jury, § 29:1 et seq.
- Selection of jury, §§ 29:5, 29:6
- Sequestration of jurors, § 29:8
- Stipulation, waiver of jury trial, § 29:4
- Unanimity not required, § 29:1

## INDEX

### **JURY AND JURY TRIAL—Cont'd**

- Verdict, this index
- View by jury, § 28:12
- Voir dire, § 29:6
- Waiver
  - Disqualification of jurors, § 29:5
  - Jury trial, § 29:4
  - Written demand for jury trial, § 29:4

### **JUVENILE CASES**

- Courts, §§ 2:3, 2:4

### **LABOR UNIONS**

- Service on, § 12:12

### **LACHES**

- Generally, § 5:12

### **LACK**

- Standing, § 40:1

### **LAND**

- Real Property, this index

### **LANDLORD AND TENANT**

- Forcible entry and detainer and unlawful detainer actions, § 39:3

### **LAW OF THE CASE**

- Former adjudication, § 34:4

### **LAWYERS**

- Attorneys, this index

### **LEADING QUESTIONS**

- Trial, adverse or hostile witnesses, § 28:9

### **LEASES**

- Choice of law, § 6:8
- Statute of limitations, § 5:6

### **LEGAL MALPRACTICE**

- Parties, § 7:13

### **LEVY OF EXECUTION**

- Enforcement of judgments, § 33:4

### **LIBERAL CONSTRUCTION**

- Pleadings, §§ 11:1, 11:5

### **LIENS**

- Judgments and Decrees, this index
- Mortgages, §§ 6:8, 6:9, 33:5
- Statute of limitations, § 5:6

### **LIMITATIONS OR RESTRICTIONS**

- Choice of Law, this index
- Discovery, this index
- Statute of Limitations, this index

### **LIMITED DIVORCE**

- Generally, §§ 38:1-38:4

### **LIMITED LIABILITY COMPANIES**

- Generally, §§ 7:1, 12:7

### **LIMITED LIABILITY PARTNERSHIPS**

- Generally, §§ 7:1, 12:7

### **LIMITED PARTNERSHIPS**

- Derivative actions, § 8:10
- Limited liability limited partnerships, parties, § 7:1
- Service on, § 12:7

### **LOCAL ACTIONS**

- Generally, § 4:1

### **LOCAL RULES**

- Sources of law on civil procedure, § 1:7

### **LOCATION OR PLACE**

- Choice of law, situs rule for real property, § 6:8
- Discovery, this index
- Enforcement of judgments, location of property for execution, § 33:1
- Pretrial conference, §§ 24:1, 24:3
- Venue, this index

### **LONG-ARM STATUTES**

- Jurisdiction, §§ 10:2, 38:2

### **MAGISTRATES**

- Appointment by judges, § 3:8

### **MAIL OR MAILING**

- Answers, § 15:2
- Service of Process and Other Papers, this index

### **MAINTENANCE AND SUPPORT**

- Support and Maintenance, this index

**MALICIOUS PROSECUTION**

Pleadings, elements of cause of action, § 11:9

**MALPRACTICE**

Legal malpractice, parties, § 7:13  
Medical malpractice. Medical Injury  
Actions, this index

**MANDATORY MATTERS**

Arkansas Model Jury Instructions, use of, § 28:19  
Injunctions, § 35:1  
Joinder of defenses, answers, § 15:6  
Joinder of parties, § 7:6  
Partition action, attorney's fees, § 39:7  
Pleadings, this index

**MARITAL PROPERTY**

Choice of law, §§ 6:8-6:10  
Divorce, § 38:2

**MARRIAGE**

Annulment of Marriage, this index  
Choice of law, § 6:10  
Divorce, this index  
Property. Marital Property, this index

**MASTERS**

Appointment, §§ 3:8, 28:21, 38:7  
Support cases, § 38:7  
Trial, § 28:21

**MAYORS**

Judges of city courts, § 3:1

**MEDIATION**

Pretrial conference, § 24:2

**MEDICAL INJURY ACTIONS**

Discovery, physical and mental examinations, § 21:11  
Pleadings, this index  
Statute of limitations, §§ 5:5, 5:8  
Statute of repose, § 5:11  
Uniform Emergency Health Volunteer Practitioner's Act, § 7:1  
Venue, § 9:6

**MEDICAL MATTERS**

Examinations and records, discovery, § 21:11

**MEDICAL MATTERS—Cont'd**

Injury actions. Medical Injury  
Actions, this index

**MENTAL EXAMINATIONS**

Discovery, §§ 21:11, 22:1

**MERGER OF LAW AND EQUITY**

Generally, § 4:1  
Constitutional Amendment 80, §§ 1:2, 2:2  
Counterclaims, § 16:3  
Injunctions, § 35:1  
Jury trial right, § 29:3  
Laches, § 5:12  
Real property actions, § 39:1

**MESNE PROCESS**

Generally, § 12:1

**MINORS**

Children or Minors, this index

**MISAPPROPRIATION OF TRADE SECRETS**

Statute of limitations, § 5:7

**MISCONDUCT**

Jury and Jury Trial, this index  
Receivers, § 37:3

**MISJOINDER**

Claims or parties, §§ 4:6, 7:8

**MISREPRESENTATION**

Fraud, this index

**MISTAKES**

Errors or Mistakes, this index

**MISTRIAL**

Generally, §§ 28:13, 28:15

**MIXED CASES**

Jury trial, § 29:3

**MODIFICATION**

Amendment, Modification or Change, this index

**MORE DEFINITE STATEMENT**

Motion, § 14:13

**MORTGAGES**

Generally, §§ 6:8, 6:9, 33:5



## INDEX

### MOTIONS

- Generally, § 13:1 *et seq.*
- Accident, new trial motion, § 32:2
- Additur, new trial motion, § 32:3
- Adequacy. Sufficiency or insufficiency, below
- Affidavits in support
  - Generally, §§ 13:1, 13:5
  - New trial motion, §§ 32:1, 32:2
- Amendment, modification or change
  - Findings, §§ 32:8, 32:10
  - Judgments and decrees, §§ 31:7, 32:4, 32:10, 38:5
  - Pleadings amended to conform with evidence, § 28:16
  - Venue change, § 9:11
- Answers, §§ 15:1, 15:2
- Appeal and review
  - Amended findings motion, § 32:8
  - Defensive motions, § 14:7
  - Directed verdict motion at trial, § 28:14
  - New trial motion, § 32:1
  - Notice of appeal, §§ 32:10, 40:4
  - Sanctions for frivolous appeals, § 40:6
- Arbitration, motion to compel, § 14:14
- Bench Trials, this index
- Briefs
  - Posttrial motions, § 32:9
  - Responses and replies, § 13:3
  - Trial motions, § 28:22
- Burden of proof, directed verdict motion, § 32:5
- Captions
  - Generally, § 13:1
  - Posttrial motions, § 32:9
- Certificate of service, § 13:2
- Challenges, defensive motions, § 14:1 *et seq.*
- Change. Amendment, modification or change, above
- Citations, contents, § 13:1
- Class actions, § 8:7
- Clerical errors, correction, § 32:4
- Clerk of court, filing, §§ 13:1, 13:2

### MOTIONS—Cont'd

- Close of evidence, directed verdict or dismissal motions, §§ 28:14, 32:5
- Compensatory damages, new trial motion, § 32:3
- Conditional rulings, posttrial motions, § 32:7
- Constitutional Amendment 80, defensive motions, § 14:2
- Contents, §§ 13:1, 32:9
- Contracts, motion to compel arbitration, § 14:14
- Conversion of defensive motions, §§ 14:7, 14:11
- Correction of clerical errors, § 32:4
- Damages, new trial motion, §§ 32:2, 32:3
- Deemed denial of new trial motion, § 32:1
- Default judgment, §§ 19:2, 19:3, 19:7
- Defensive motions, §§ 14:1-14:14
- Definition of motion, § 13:1
- Determinations, defensive motions, § 14:2 *et seq.*
- Directed verdict motion, §§ 28:14, 32:5, 32:6
- Discovery, this index
- Discretion of court
  - Hearings on motions, § 13:4
  - New trial motion, § 32:1
- Dismissals, this index
- Effect on notice of appeal, posttrial motions, § 32:10
- Errors
  - Correction of clerical errors, § 32:4
  - New trial motion, § 32:2
- Evidence
  - Amendments to pleadings to conform with evidence, § 28:16
  - Close of evidence, directed verdict or dismissal motions, §§ 28:14, 32:5
  - Discovery, this index
  - Judgment notwithstanding the verdict motion, § 32:6

**MOTIONS—Cont'd**

Evidence—Cont'd

New trial motion, §§ 32:2, 32:3

Excessive damages, new trial motion, §§ 32:2, 32:3

Extension of time

New trial motion, § 32:1

Notice of appeal, effect of posttrial motions, § 32:10

Service, §§ 12:2, 12:20

Facts, § 13:1 et seq.

Failure to join party, defensive motion, §§ 14:1, 14:8

Failure to state facts upon which relief can be granted, defensive motion, §§ 14:1, 14:7

Federal Arbitration Act, motion to compel arbitration, § 14:14

Filing

Generally, §§ 13:1, 13:2

Affidavits in support of new trial motion, § 32:1

New trial motion, § 32:1

Posttrial motions, § 32:9

Replies, § 13:3

Responses, § 13:3

Form of posttrial motions, § 32:9

Grounds for new trial, § 32:2

Hearings

Generally, §§ 13:2-13:4

Defensive motions, §§ 14:1, 14:10

Orders, § 20:5

Preliminary hearing, defensive motions, § 14:10

Summary judgment motion, § 26:2

Improper venue, defensive motion, §§ 14:1, 14:4

Inadequacy or insufficiency. Sufficiency or insufficiency, below

Irregularities, new trial motion, § 32:2

Joinder of new trial and judgment notwithstanding the verdict motions, §§ 32:1, 32:6

Judges, recusal, § 3:3

Judgment

Default judgment, §§ 19:2, 19:3, 19:7

**MOTIONS—Cont'd**

Judgment—Cont'd

Modification, §§ 31:7, 32:4, 32:10, 38:5

Notwithstanding the verdict, §§ 32:1, 32:5-32:7, 32:10

Pleadings, judgment on, §§ 14:10, 14:11

Summary Judgment, this index

Vacation of judgment, § 31:7

Jurisdiction lacking, defensive motions, §§ 14:1-14:3

Jury and jury trial

New trial motion, §§ 32:1-32:3

Verdict, below

Lack of jurisdiction, defensive motions, §§ 14:1-14:3

Mail service, § 13:2

Misconduct of jury, new trial motion, § 32:2

Mistakes. Errors, above

Modification. Amendment, modification or change, above

More definite statement motion, § 14:13

Multiple parties or claims, new trial motion, § 32:1

New trial motion, §§ 32:1-32:3, 32:6, 32:7, 32:10

Newly discovered evidence, new trial motion, § 32:2

Noncompliance with requirements, § 13:1

Notice

Appeal notice, §§ 32:10, 40:4

Hearing on motion, § 13:2

Notwithstanding the verdict judgment, §§ 32:1, 32:5-32:7, 32:10

Nunc pro tunc orders, posttrial motions, § 32:4

Objections, defensive motions, § 14:1 et seq.

Orders

Generally, §§ 13:1 et seq., 20:1-20:5

Nunc pro tunc orders, posttrial motions, § 32:4

Particularity, §§ 13:1, 32:9

Parties, this index

## INDEX

### **MOTIONS—Cont'd**

- Pendency of another action,
  - defensive motion, §§ 14:1, 14:9
- Personal jurisdiction lacking,
  - defensive motion, §§ 14:1, 14:3
- Pleadings, this index
- Posttrial motions, §§ 32:1-32:10
- Prejudice, new trial motion, § 32:2
- Preliminary hearing, defensive motions, § 14:10
- Pretrial conference, in limine motion, § 24:5
- Process insufficiency, defensive motion, §§ 14:1, 14:5
- Proof. Evidence, above
- Punitive damages, new trial motion, § 32:3
- Purpose of defensive motions, § 14:1
- Relief
  - Generally, § 13:1 et seq.
  - Failure to state facts upon which relief can be granted, defensive motion, §§ 14:1, 14:7
- Remittitur, new trial motion, § 32:3
- Replies
  - Generally, § 13:3
  - Defensive motions, § 14:1
  - New trial motion, § 32:1
  - Service, §§ 13:3, 26:2
  - Summary judgment motion, § 26:2
- Request for hearing on motion, § 13:4
- Responses
  - Generally, § 13:3
  - Defensive motions, §§ 14:1, 14:13
  - More definite statement motion, § 14:13
  - New trial motion, § 32:1
  - Replies, above
  - Service, §§ 13:3, 26:2
  - Summary judgment motion, §§ 26:2, 26:3
- Review. Appeal and review, above
- Rulings
  - Generally, § 13:4
  - Conditional rulings on posttrial motions, § 32:7
  - Defensive motions, § 14:11

### **MOTIONS—Cont'd**

- Rulings—Cont'd
  - Directed verdict motion, § 32:5
- Separate trials, § 25:3
- Service
  - Generally, §§ 13:1, 13:2
  - Affidavits in support, § 13:1
  - Extension of time, §§ 12:2, 12:20
  - Insufficiency of service of process, defensive motion, §§ 14:1, 14:6
- Posttrial motions, § 32:9
- Replies, §§ 13:3, 26:2
- Responses, §§ 13:3, 26:2
- Signatures, §§ 13:1, 32:9
- Standard of review, new trial motion, § 32:1
- Strike motions
  - Defensive motions, § 14:12
  - Pleadings, §§ 14:12, 18:2, 18:5
  - Testimony at trial, § 28:8
- Sua sponte
  - Correction of clerical errors, § 32:4
  - New trial motion, §§ 32:1, 32:3
- Subject matter jurisdiction lacking, defensive motion, §§ 14:1, 14:2
- Sufficiency or insufficiency
  - Damages inadequate, new trial motion, § 32:2
  - Evidence, directed verdict or dismissal motion, § 32:5
  - Process insufficiency, defensive motion, §§ 14:1, 14:5
  - Service of process insufficiency, defensive motion, §§ 14:1, 14:6
- Summary Judgment, this index
- Summons, insufficiency of process motion, § 14:5
- Supporting materials
  - Affidavits in support, above
  - Summary judgment motion, §§ 26:2, 26:3
- Surprise, new trial motion, § 32:2
- Third party practice, § 17:1
- Trial
  - Amendments to pleadings to conform with evidence, § 28:16

**MOTIONS—Cont'd**

Trial—Cont'd

Bench Trials, this index

Briefs, § 28:22

Continuances, § 28:2

Directed verdict, § 28:14

Dismissal, § 28:14

Jury and jury trial, above

Mistrial, § 28:15

New trial motion, §§ 32:1-32:3, 32:6, 32:7, 32:10

Posttrial motions, §§ 32:1-32:10

Separate trials, § 25:3

Strike testimony, § 28:8

Subpoenas, § 28:4

Uniform Arbitration Act, motion to compel arbitration, § 14:14

Venue

Change of venue, § 9:11

Improper venue, defensive motion, §§ 14:1, 14:4

Verdict

Directed verdict motion, §§ 28:14, 32:5, 32:6

Judgment notwithstanding the verdict motion, §§ 32:1, 32:5-32:7, 32:10

New trial motion, §§ 32:1-32:3

Waiver

Arbitration right, § 14:14

Defenses, defensive motions, § 14:1 et seq.

Hearing on motion, § 13:4

Written motions, §§ 13:1, 32:1

**MULTIPLE EXECUTIONS**

Enforcement of judgments, § 33:1

**MULTIPLE PARTIES OR CLAIMS**

Appeals, § 40:3

Certificates, §§ 31:2, 40:3

Dismissals, § 27:4

Judgments, § 31:2

New trial motion, § 32:1

**MUNICIPALITIES**

Cities, this index

**MUTUALITY OF ESTOPPEL**

Former adjudication, issue preclusion, § 34:3

**NAMES**

Parties, fictitious names, § 7:5

**NATIVE AMERICAN TRIBAL COURT JUDGMENTS**

Enforcement, § 33:10

**NECESSARY PARTIES**

Mandatory joinder, § 7:6

**NECESSITY OR NEED**

Pleadings, § 11:2

Receiver's appointment, § 37:2

**NEGLIGENCE**

Discovery, destruction of evidence, § 21:16

Pleadings, elements of cause of action, § 11:9

**NEW CAUSE OF ACTION ASSERTED IN PLEADING**

Service of process and other papers, § 12:15

**NEW TRIAL**

Motion, §§ 32:1-32:3, 32:6, 32:7, 32:10

**NEWLY DISCOVERED EVIDENCE**

New trial motion, § 32:2

**NONCOMPLIANCE**

Compliance or Noncompliance, this index

**NONJOINDER OF PARTIES**

Generally, §§ 7:8, 14:1, 14:8

**NONPROFIT ASSOCIATIONS**

Generally, §§ 7:1, 12:7

**NONRESIDENTS**

Divorce, § 38:2

Service on, § 12:13

Uniform Interstate Family Support Act, § 38:7

**NONSUIT**

Generally, §§ 5:10, 27:1-27:5

## INDEX

### NON-TESTIFYING EXPERTS

Discovery, § 21:8

### NOTICE

Generally, § 13:6

Appeal notice, §§ 32:10, 40:4

Attorney General, §§ 4:3, 11:18

Attorney-client privilege, inadvertent disclosure, § 21:17

Class action members, § 8:7

Condition precedent to action, § 4:3

Default judgment, § 19:3

Discovery, this index

Enforcement of judgments, executions, §§ 33:1, 33:4

Injunctions, § 35:2

Motions, this index

Pleadings, this index

Pretrial conference, § 24:3

Real Property, this index

Receivers, appointment, § 37:2

Service of Process and Other Papers, this index

Trial, this index

### NOTWITHSTANDING THE VERDICT JUDGMENT

Motion, §§ 32:1, 32:5-32:7, 32:10

### NUMBER OR QUANTITY

Amount, Quantity or Number, this index

### NUNC PRO TUNC ORDERS

Generally, §§ 20:3, 32:4

### OATH OR AFFIRMATION

Affidavits, § 13:5

Depositions, § 21:5

Receivers, § 37:4

Trial witnesses, § 28:8

### OBJECTIONS

Defensive motions, § 14:1 et seq.

Discovery, this index

Enforcement of judgments, possession writ, § 33:6

Forcible entry and detainer and unlawful detainer actions, § 39:3

Jurors, peremptory challenges to, § 29:6

### OBJECTIONS—Cont'd

Lack of subject matter jurisdiction, § 2:9

Parties, §§ 7:2, 7:12

Pleadings, this index

Trial, this index

Venue, §§ 9:1, 9:2

Verdict, § 30:5

Waiver of objections

Arkansas Model Jury Instructions, § 28:19

Venue, § 9:1

### OFFENSES

Crimes and Criminal Matters, this index

### OFFER OF JUDGMENT

Generally, § 31:5

### OFFICERS

Deposition taking, §§ 21:5, 21:7

Public officers, venue, § 9:8

Service on, §§ 12:7, 12:11

### OFFICIAL DOCUMENTS, ACTS AND JUDGMENTS

Pleadings, § 11:13

### OFFICIALS

Public Officials, this index

### OFFSET

Statute of limitations, § 5:1

### OMISSIONS

Venue, §§ 9:1, 9:3

### OPINION WORK PRODUCT

Discovery, § 21:2

### ORAL EXAMINATION DEPOSITIONS

Generally, §§ 21:5, 21:6, 22:1

### ORDER OF TRIAL

Generally, § 28:6

### ORDERS

Generally, §§ 20:1-20:5

Administrative Orders, this index

Caption, § 20:2

Clerical errors, correction, § 20:4

Clerk of court, § 20:3

**ORDERS—Cont'd**

- Consolidation of actions, § 25:2
- Correction of clerical errors, § 20:4
- Definition of order, § 20:1
- Discovery, this index
- Dismissals, §§ 27:2, 27:6, 27:7
- Divorce, §§ 38:4, 38:5, 38:7
- Enforcement of judgments, execution, § 33:1
- Entry of order
  - Generally, § 20:3
  - Dismissals, § 27:2
  - Protective orders, discovery, § 21:12
- Facsimile entry, § 20:3
- Form, § 20:2
- Modification, § 20:4
- Motions, this index
- Nunc pro tunc orders, §§ 20:3, 32:4
- Pretrial conference, §§ 24:2-24:5
- Receivers, or appointment, § 37:2
- Separate trials, § 25:3
- Setting aside, § 20:4
- Severance of claims, § 25:4
- Signature, § 20:2
- Statutes, §§ 20:1, 20:3
- Subject matter jurisdiction, § 2:1
- Temporary orders
  - Divorce, § 38:4
  - Restraining orders, §§ 35:2-35:5, 35:7, 38:4
- Trial, this index
- Vacation, § 20:4
- Warning order publication. Service of Process and Other Papers, this index

**ORDINARY WORK PRODUCT**

- Discovery, § 21:2

**ORIGINAL JURISDICTION**

- Jurisdiction, this index

**OUTRAGE**

- Pleadings, elements of cause of action, § 11:9

**OVERDUE CHILD SUPPORT**

- Remedies, § 38:7

**PANELS OF PROSPECTIVE JURORS**

- Generally, §§ 29:5, 29:6

**PAPERS**

- Service of Process and Other Papers, this index
- Trial subpoenas, production of papers, § 28:4

**PART OR PARTIAL**

- Stay of execution, enforcement of judgments, § 33:3
- Summary judgment, §§ 26:2, 26:6

**PARTICULARITY**

- Motions, §§ 13:1, 32:9
- Pleadings, §§ 11:7, 11:12

**PARTIES**

- Generally, §§ 7:1-7:14
- Ad litem appointments, §§ 7:4, 7:14
- Administrative agencies, standing, § 7:3
- Administrators and executors, §§ 7:1, 7:14
- Agencies of state, §§ 7:1, 7:3
- Appeal, intervention, § 7:10
- Application for intervention, § 7:10
- Appointments ad litem, §§ 7:4, 7:14
- Assignees, real party in interest, § 7:2
- Attorney General, § 7:1
- Attorneys, §§ 7:4, 7:13, 7:14
- Capacity, §§ 7:1, 11:14
- Charitable organizations, § 7:1
- Cities, §§ 7:1, 36:3
- Consent of parties, subject matter jurisdiction, § 2:1
- Constitutional matters, §§ 7:1, 7:3
- Corporations, §§ 7:1, 7:5
- Counterclaims, this index
- Counties, §§ 7:1, 36:3
- Cross-Claims, this index
- Death of party, substitution, § 7:11
- Declaratory judgments, § 36:3
- Definition of nonprofit association, § 7:1
- Direct actions, § 7:1
- Discharge of attorney, § 7:13
- Discovery, § 21:1 et seq.

## INDEX

### **PARTIES—Cont'd**

- Discretion of court, intervention,  
§ 7:10
- Dismissal, misjoinder of parties,  
§ 7:8
- Executors and administrators, §§ 7:1,  
7:14
- Federal Rules of Civil Procedure,  
mandatory joinder, § 7:6
- Fictitious names, § 7:5
- Foreign corporations, § 7:1
- Former Adjudication, this index
- Governmental entities, §§ 7:1-7:3
- Guardians, §§ 7:4, 7:14
- Immunity, § 7:1
- Incompetents, §§ 7:4, 7:11, 7:14
- Infants, §§ 7:4, 7:14
- Interpleader, § 7:9
- Intervention, §§ 7:10, 38:2
- Joinder of Parties, this index
- Lack of standing, objections to parties, § 7:12
- Legal malpractice, § 7:13
- Limited liability companies, § 7:1
- Limited liability limited partnerships,  
§ 7:1
- Limited liability partnerships, § 7:1
- Mandatory joinder of parties, § 7:6
- Misjoinder of parties, § 7:8
- Motions
  - Failure to join party, defensive  
motion, §§ 14:1, 14:8
  - Intervention, § 7:10
  - New trial motion, multiple parties,  
§ 32:1
  - Objections to parties, § 7:12
  - Substitution, § 7:11
- Multiple Parties or Claims, this index
- Necessary parties, mandatory joinder,  
§ 7:6
- Nonjoinder of parties, §§ 7:8, 14:1,  
14:8
- Nonprofit associations, § 7:1
- Objections, §§ 7:2, 7:12
- Partnerships, § 7:1
- Permissive
  - Intervention, § 7:10
  - Joinder of parties, § 7:7

### **PARTIES—Cont'd**

- Political subdivisions, § 7:1
- Prevailing Party, this index
- Prisoners, §§ 7:4, 7:14
- Property
  - Interpleader, § 7:9
  - Standing, § 7:3
- Public officials, §§ 7:1, 7:11
- Question of law, standing, § 7:3
- Real party in interest, § 7:2
- Real Property, this index
- Representatives, §§ 7:1, 7:2
- Right to intervene, § 7:10
- School districts, § 7:1
- Small claims division of district  
court, §§ 2:5, 7:13
- Sovereign immunity, § 7:1
- Special administrator ad litem, § 7:14
- Stakeholder, interpleader, § 7:9
- Standard of review, intervention,  
§ 7:10
- Standing, this index
- State, §§ 7:1, 7:2
- Statutes, § 7:1 *et seq.*
- Subject matter jurisdiction
  - Consent of parties, § 2:1
  - Standing, § 7:3
- Substitution, § 7:11
- Taxes, standing, § 7:3
- Third Party Practice, this index
- Torts, §§ 7:1, 7:2
- Trustees, § 7:1
- Unincorporated associations, §§ 7:1,  
8:11
- Venue, this index
- Withdrawal of attorney, § 7:13
- Wrongful death actions, § 7:2

### **PARTITION ACTION**

- Generally, § 39:7

### **PARTNERSHIPS**

- Limited liability partnerships, §§ 7:1,  
12:7
- Limited Partnerships, this index
- Parties, § 7:1
- Receivers, § 37:4
- Service on, § 12:7



**PATERNITY ACTIONS**

Generally, §§ 5:7, 9:9

**PENALTIES**

Sanctions, this index

**PENDENCY OF ANOTHER ACTION**

Defensive motion, §§ 14:1, 14:9

**PENDING APPEAL**

Perpetuation of testimony, §§ 22:1, 22:3

**PEREMPTORY CHALLENGES TO JURORS**

Generally, § 29:6

**PERFORMANCE**

Demand, condition precedent to action, § 4:3

Real property actions, specific performance, § 39:6

Statute of limitations, performance bond of contractor, § 5:6

**PERMANENT INJUNCTIONS**

Generally, §§ 35:3, 35:5

**PERMISSION**

Consent, this index

**PERMISSIVE MATTERS**

Counterclaims, §§ 16:2, 16:3

Parties, this index

**PERPETUATION OF TESTIMONY**

Generally, §§ 22:1-22:5

Affidavit, petition, § 22:2

Allegations in petition, § 22:2

Appeal, §§ 22:1-22:3

Caption of petition, § 22:2

Depositions, §§ 22:1-22:4

Filing of petition, § 22:2

Hearings, § 22:2

Independent action, § 22:5

Mental examination, § 22:1

Notice, § 22:2

Oral examination deposition, § 22:1

Orders, §§ 22:1, 22:2

Parties, § 22:1

Pending appeal, §§ 22:1, 22:3

**PERPETUATION OF TESTIMONY**

—Cont'd

Petition, § 22:2

Physical examination, § 22:1

Production of documents, § 22:1

Scope of discovery, § 22:1

Service of notice, § 22:2

Signature, affidavit for petition, § 22:2

Standard of review, § 22:2

Unavailable party or witness, § 22:1

Use of deposition at trial, § 22:4

Venue, § 22:3

Verified petition, § 22:2

Written question deposition, § 22:1

**PERSONAL INJURY ACTIONS**

Statute of repose, § 5:11

**PERSONAL JURISDICTION**

Jurisdiction, this index

**PERSONAL PROPERTY**

Choice of law, §§ 6:9, 6:10

Enforcement of judgments, § 33:1 et seq.

Jurisdiction, § 10:3

Statute of limitations, § 5:6

View by jury, § 28:12

**PERSONAL SERVICE**

Service of Process and Other Papers, this index

**PETITIONS**

Perpetuation of testimony, § 22:2

Real Property, this index

**PHRASES AND WORDS**

Definitions, this index

**PHYSICAL EXAMINATIONS**

Discovery, §§ 21:11, 22:1

**PHYSICIANS**

Discovery, physical and mental examinations, § 21:11

**PLACE**

Location or Place, this index

**PLEADINGS**

Generally, §§ 11:1-11:18

## INDEX

### PLEADINGS—Cont'd

- Abuse of process, elements of cause of action, § 11:9
- Admissibility, § 11:2
- Allegations, §§ 11:4, 11:7
- Allowed pleadings, § 11:1
- Alternative pleading, §§ 11:6, 11:11
- Amendment of pleadings
  - Generally, § 18:1 et seq.
  - Conform to proof, §§ 18:2, 28:16
  - Counterclaims, §§ 16:1, 16:2, 18:2
  - Demand for relief, § 11:11
  - Service of amended pleading, § 11:17
- Answers, this index
- Appeal regarding sanctions, § 11:16
- Attachment of exhibits, §§ 11:10, 15:1
- Attorney General, notice to, § 11:18
- Attorneys, §§ 11:15-11:17
- Averments, §§ 11:6, 11:13, 11:14, 15:1 et seq.
- Breach of contract, elements of cause of action, § 11:9
- Breach of implied warranty, elements of cause of action, § 11:9
- Burden of proof, sanctions, § 11:16
- Business expectancy interference, elements of cause of action, § 11:9
- Capacity, § 11:14
- Captions
  - Generally, § 11:3
  - Amended pleadings, § 18:2
  - Answers, § 15:1
  - Counterclaims, § 16:1
  - Cross-claims, § 16:1
  - Supplemental pleadings, § 18:5
- Causes of action
  - Generally, § 11:8 et seq.
  - Service of pleading asserting new cause of action, § 12:15
- Challenges to amended pleadings, § 18:2
- Change. Amendment of pleadings, above
- Claims, § 11:1 et seq.

### PLEADINGS—Cont'd

- Class actions, amended pleadings, § 18:2
- Clerk of court, filing, § 11:17
- Commercial delivery company, service, § 11:17
- Common law, §§ 11:8, 11:9
- Complaints, this index
- Conciseness, § 11:6
- Conclusions, § 11:7
- Conform to proof, amendment of pleadings, §§ 18:2, 28:16
- Consent, amendment of pleadings, §§ 18:2, 18:3
- Consistency, §§ 11:5, 11:6
- Construction, §§ 11:1, 11:5
- Contracts, elements of cause of action, § 11:9
- Costs, sanctions, § 11:16
- Counterclaims, this index
- Cross-Claims, this index
- Damages, §§ 11:11, 11:12
- Declaratory judgments, § 36:4
- Defamation, elements of cause of action, § 11:9
- Default judgment, § 19:1 et seq.
- Defects in caption, § 11:3
- Defenses, §§ 11:1 et seq., 15:1, 15:5, 15:6
- Definitions
  - Answer, § 11:1
  - Complaint, § 11:1
  - Counterclaim, § 11:1
  - Cross-claim, § 11:1
  - Pleadings, § 11:1
  - Supplemental pleading, § 18:5
  - Third-party complaint, § 11:1
- Demand for relief, § 11:11
- Derivative suits, verification, § 11:15
- Directness, § 11:6
- Discretion of court
  - Amendment of pleadings, § 18:2
  - Answers, extension of time, § 15:2
- Dismissals, §§ 11:5, 11:8, 27:2, 27:4, 27:5
- Divisions of courts, caption, § 11:3
- Documents, official, § 11:13
- Duress, complaints, § 11:7

**PLEADINGS—Cont'd**

- Electronic transmission, service,  
§ 11:17
- Elements of cause of action, § 11:9
- Entrustment, negligent, elements of  
cause of action, § 11:9
- Equitable subrogation, elements of  
cause of action, § 11:9
- Error. Mistake, below
- Evidence
  - Generally, § 11:7
  - Admissibility of pleadings, § 11:2
  - Amendment of pleadings, §§ 18:2,  
18:3
  - Burden of proof, sanctions,  
§ 11:16
  - Conform to proof, amendment of  
pleadings to, §§ 18:2, 28:16
- Exhibits, §§ 11:10, 15:1
- Express consent, amendment of  
pleadings, § 18:2
- Facsimile filing and service, § 11:17
- Facts, § 11:1 et seq.
- Filing
  - Generally, § 11:17
  - Answers, §§ 15:2, 15:7
  - Complaints, this index
  - Counterclaim and reply thereto,  
§§ 15:2, 15:7, 16:1
  - Cross-claims, § 16:1
  - Supplemental pleadings, § 18:5
- Former adjudication, judicial estop-  
pel, § 34:5
- Forms of action, § 11:8
- Fraud, §§ 11:7, 11:9
- General damages, § 11:12
- Implied consent, amendment of  
pleadings, §§ 18:2, 18:3
- Implied warranty breach, elements of  
cause of action, § 11:9
- Inconsistent pleading, §§ 11:5, 11:6
- Insufficiency or sufficiency, §§ 11:5,  
11:7, 11:8, 36:4
- Interference with contract or business  
expectancy, elements of cause of  
action, § 11:9
- Judgments, § 11:13
- Jurisdiction
  - Allegations, § 11:4

**PLEADINGS—Cont'd**

- Jurisdiction—Cont'd
  - Subject matter jurisdiction, below
- Lack
  - Capacity, § 11:14
  - Subject matter jurisdiction, §§ 2:9,  
11:4
- Liberal construction, §§ 11:1, 11:5
- Mail service, § 11:17
- Malicious prosecution, elements of  
cause of action, § 11:9
- Mandatory
  - Notice to Attorney General,  
§ 11:18
  - Sanctions, § 11:16
- Medical injury
  - Elements of cause of action, § 11:9
  - Sanctions, § 11:16
  - Special damages, § 11:12
- Mistake
  - Amendment of pleadings, § 18:4
  - Complaints, § 11:7
- Modification. Amendment of plead-  
ings, above
- Motions
  - Amendment of pleadings, § 18:2
  - Answers, §§ 15:1, 15:2
  - Defensive motions, § 14:1 et seq.
  - Judgment on the pleadings,  
§§ 14:10, 14:11
  - More definite statement motion,  
§ 14:13
  - Strike motions, §§ 14:12, 18:2,  
18:5
  - Supplemental pleadings, § 18:5
- Necessity of pleadings, § 11:2
- Negligence, elements of cause of  
action, § 11:9
- Notice
  - Amendment of pleadings, § 18:4
  - Attorney General, § 11:18
- Objections
  - Amended pleadings, § 18:2
  - Jurisdiction and venue, § 11:4
- Official documents, acts and judg-  
ments, § 11:13
- Outrage, elements of cause of action,  
§ 11:9

## INDEX

### **PLEADINGS—Cont'd**

- Particularity, §§ 11:7, 11:12
- Personal jurisdiction, § 11:4
- Personal service, § 11:17
- Prejudice
  - Amended pleadings, § 18:2
  - Supplemental pleadings, § 18:5
- Proof. Evidence, above
- Purpose of pleadings, § 11:2
- Relation back, amended pleadings, § 18:4
- Relief, § 11:1 et seq.
- Replies to counterclaims, §§ 11:1, 15:1-15:3, 15:7
- Response
  - Amended pleadings, § 18:2
  - Supplemental pleadings, § 18:5
- Right to amend pleadings, § 18:2
- Sanctions, § 11:16
- Service of Process and Other Papers, this index
- Signatures
  - Generally, §§ 11:15, 11:16
  - Answers, §§ 15:1, 15:7
  - Counterclaim and reply thereto, §§ 15:7, 16:1
  - Cross-claims, § 16:1
- Special damages, § 11:12
- Statute of limitations, §§ 5:1, 5:2, 11:2, 18:4
- Statutes, §§ 11:8 et seq., 18:1
- Strict products liability, elements of cause of action, § 11:9
- Strike motions, §§ 14:12, 18:2, 18:5
- Subject matter jurisdiction
  - Generally, §§ 2:1, 2:9
  - Lack of subject matter jurisdiction, §§ 2:9, 11:4
- Substitute service, § 11:17
- Sufficiency or insufficiency, §§ 11:5, 11:7, 11:8, 36:4
- Supplemental pleadings
  - Generally, § 18:1 et seq.
  - Accrual of cause of action, § 4:2
  - Counterclaims, §§ 16:1, 16:2
- Torts, elements of cause of action, § 11:9

### **PLEADINGS—Cont'd**

- Undue delay, amended pleadings, § 18:2
- Undue influence, complaints, § 11:7
- Venue, §§ 9:1, 9:2, 11:4
- Verification, § 11:15
- Violations, sanctions, § 11:16

### **PLURIES PROCESS**

- Generally, § 12:1

### **POLICY**

- Public Policy, this index
- Venue, § 9:1

### **POLITICAL SUBDIVISIONS**

- Cities, this index
- Counties, this index
- Parties, § 7:1

### **POLLING OF JURY**

- Verdict, § 30:5

### **POSSESSION**

- Enforcement of Judgments, this index
- Real property actions, § 39:1 et seq.
- Writ of possession, §§ 33:6, 39:2, 39:3

### **POSTING BONDS**

- Bonds, this index

### **POSTJUDGMENT INTEREST**

- Generally, § 31:10

### **POSTTRIAL MOTIONS**

- Generally, §§ 32:1-32:10

### **POWER**

- Authority or Power, this index

### **PRECEDENT**

- Judgment form, § 31:1
- Unpublished opinions, abolition of, § 1:11

### **PRECEDENT CONDITIONS**

- Actions, §§ 4:3, 4:4

### **PRECLUSION**

- Former adjudication, claim/issue preclusion, §§ 34:1-

**PREDOMINANCE OF QUESTIONS  
OF LAW OR FACT**

Class actions, §§ 8:2, 8:5

**PREJUDGMENT INTEREST**

Generally, § 31:10

**PREJUDICE**

Consolidation of actions, § 25:2

Dismissals, §§ 27:1-27:7

Mistrial, § 28:15

New trial motion, § 32:2

Pleadings, this index

Separate trials, § 25:3

Severance of claims, § 25:4

**PRELIMINARY HEARING**

Defensive motions, § 14:10

**PRELIMINARY INJUNCTIONS**

Generally, §§ 35:2-35:4, 35:7

**PRESERVATION OF EVIDENCE**

Discovery, § 21:16

**PRESUMPTIONS**

Attorney-client privilege, inadvertent disclosure, § 21:17

Choice of law, § 6:4

**PRETRIAL CONFERENCE**

Generally, §§ 24:1-24:5

Administrative Order, § 24:3

Attorneys, § 24:2

Discovery, §§ 21:12, 24:4

Discretion of court, §§ 24:2, 24:3

History, § 24:1

In limine motion, § 24:5

Judge, § 24:2

Location, §§ 24:1, 24:3

Mediation, § 24:2

Motion in limine, § 24:5

Notice, § 24:3

Orders, §§ 24:2-24:5

Purposes, § 24:2

Scheduling orders, § 24:2

Settlements, § 24:2

Statutes, §§ 24:1, 24:2

Stipulations, § 24:2

**PREVAILING PARTY**

Dismissals, costs, § 27:6

**PREVAILING PARTY—Cont'd**

Judgments and Decrees, this index

**PRIOR ADJUDICATION**

Former Adjudication, this index

**PRISONERS**

Answers, § 15:2

Parties, §§ 7:4, 7:14

Service on, § 12:10

**PRIVACY**

Discovery, health care information, § 21:11

**PRIVILEGES**

Attorney-client privilege, inadvertent disclosure, § 21:17

Discovery, scope, § 21:2

**PRIVITY**

Former adjudication, claim/issue preclusion, §§ 34:2, 34:3

**PROBATE DIVISION OF CIRCUIT  
COURT**

Generally, § 2:3

**PROCEEDINGS**

Actions and Proceedings, this index

**PROCEEDS OF SALE**

Partition, § 39:7

**PROCESS**

Generally, § 12:1

Alias process, § 12:1

Form of process, § 12:3

Issuance of process, § 12:3

Mesne process, § 12:1

Motion, insufficiency of process, §§ 14:1, 14:5

Pleadings, elements of abuse of process cause of action, § 11:9

Pluries process, § 12:1

Service of Process and Other Papers, this index

Summons and complaint, §§ 12:1, 12:3

**PRODUCTION**

Discovery, this index

Trial subpoenas, § 28:4

## INDEX

### PRODUCTS LIABILITY

Generally, §§ 5:5, 5:6, 11:9

### PROFFER OF EXCLUDED EVIDENCE

Trial, § 28:10

### PROHIBITION WRIT

Dismissals, § 27:4

Lack of subject matter jurisdiction,  
§ 2:9

Venue, § 9:1

### PROHIBITORY INJUNCTIONS

Generally, § 35:1

### PROOF

Evidence, this index

### PROPER COURT

Declaratory judgments, § 36:2

### PROPERTY

Choice of law, §§ 6:8-6:10

Damage to Property, this index

Deeds, this index

Divorce, § 38:2

Enforcement of judgments, § 33:1 et  
seq.

Jurisdiction, this index

Marital Property, this index

Mortgages, §§ 6:8, 6:9, 33:5

Parties, this index

Personal Property, this index

Real Property, this index

Receivers, §§ 37:1-37:5

Seizure of Property, this index

Separate maintenance, § 38:3

Statute of limitations, §§ 5:5, 5:6

Title to Property, this index

### PROTECTIVE ORDERS

Discovery, this index

### PSYCHOLOGISTS

Discovery, mental examinations,  
§ 21:11

### PUBLIC ACCESS TO JUDGMENTS

Generally, § 31:1

### PUBLIC ENTITIES

Service on, § 12:11

### PUBLIC FUNDS

Illegal exaction suits, § 8:12

### PUBLIC NATURE OF TRIAL PROCEEDINGS

Generally, § 28:5

### PUBLIC OFFICERS

Venue, § 9:8

### PUBLIC OFFICIALS

Declaratory judgments, § 36:1

Parties, §§ 7:1, 7:11

Venue in actions against, § 9:8

### PUBLIC POLICY

Choice of law, validity of marriage,  
§ 6:10

Statute of limitations, §§ 5:1, 5:4

### PUBLICATION

Notice, quieting title action, § 39:4

Service of Process and Other Papers,  
this index

### PUNITIVE DAMAGES

Discovery, scope, § 21:2

New trial motion, § 32:3

Separate trials, § 25:3

### PURPOSE OR PURPOSES

Consolidation of actions, § 25:1

Constitutional Amendment 80,  
§§ 1:2, 2:2

Counterclaims, this index

Declaratory judgments, § 36:1

Defensive motions, § 14:1

Discovery, this index

Former adjudication, claim/issue  
preclusion, § 34:1

Injunction bond, § 35:4

Pleadings, § 11:2

Pretrial conference, § 24:2

Separate trials, §§ 25:1, 25:3

Summary judgment, § 26:1

Third party practice, § 17:1

### QUALIFICATION OR QUALIFICATIONS

Judges, §§ 3:1, 3:4

Jurors, § 29:5

**QUANTITY OR NUMBER**

Amount, Quantity or Number, this index

**QUASHAL**

Execution, enforcement of judgments, § 33:3  
Trial subpoenas, § 28:4

**QUASI IN REM**

Actions, § 4:1  
Jurisdiction, §§ 10:1, 10:4

**QUESTIONS**

Depositions on written questions, §§ 21:5, 21:7, 22:1  
Jury and Jury Trial, this index  
Law or fact. Questions of Law or Fact, this index  
Trial, leading questions to adverse or hostile witnesses, § 28:9  
Verdict, §§ 30:3, 30:4

**QUESTIONS OF LAW OR FACT**

Choice of law, § 6:11  
Class actions, §§ 8:2, 8:3, 8:5  
Judgments, rate of interest, § 31:10  
Laches, § 5:12  
Standing, § 7:3  
Summary judgment, §§ 26:1, 26:6

**QUIETING TITLE ACTION**

Generally, § 39:4

**RATE OF INTEREST ON JUDGMENT**

Generally, § 31:10

**REAL PARTY IN INTEREST**

Generally, § 7:2

**REAL PROPERTY**

Actions, generally, §§ 9:7, 39:1-39:7  
Answers, ejectment action, § 39:2  
Attorney's fees, partition action, § 39:7  
Choice of law, §§ 6:8, 6:10  
Circuit courts, partition action, § 39:7  
Cloud on title removal, actions, § 39:5  
Complaints, ejectment action, § 39:2

**REAL PROPERTY—Cont'd**

Contracts, specific performance, § 39:6  
Decrees. Judgments and decrees, below  
Deeds, this index  
Denials in answers, ejectment action, § 39:2  
Discovery, inspection of land, § 21:10  
Discretion of court, specific performance, § 39:6  
District courts, subject matter jurisdiction, § 2:5  
Ejectment action, § 39:2  
Enforcement of judgments, § 33:1 et seq.  
Equity, actions, § 39:1 et seq.  
Evidence  
Discovery, inspection of land, § 21:10  
Ejectment action, § 39:2  
Quieting title action, § 39:4  
Final judgment, forcible entry and detainer and unlawful detainer actions, § 39:3  
Forcible entry and detainer action, § 39:3  
Good faith, ejectment action, § 39:2  
Hearings, quieting title action, § 39:4  
Improvements, ejectment action, § 39:2  
Involuntary partition, actions, § 39:7  
Joinder of parties, partition action, § 39:7  
Judgments and decrees  
Enforcement of judgments, § 33:1 et seq.  
Forcible entry and detainer and unlawful detainer actions, § 39:3  
Quieting title action, § 39:4  
Judicial sales, partition, § 39:7  
Jurisdiction, §§ 2:5, 10:3  
Landlord and tenant, forcible entry and detainer and unlawful detainer actions, § 39:3  
Mandatory attorney's fees, partition action, § 39:7



## INDEX

### REAL PROPERTY—Cont'd

- Merger of law and equity, actions, § 39:1
- Notice
  - Forcible entry and detainer and unlawful detainer actions, § 39:3
  - Quieting title action, § 39:4
- Objections, forcible entry and detainer and unlawful detainer actions, § 39:3
- Parties
  - Partition action, § 39:7
  - Quieting title action, § 39:4
- Partition action, § 39:7
- Petitions
  - Partition action, § 39:7
  - Quieting title action, § 39:4
- Possession, actions, § 39:1 et seq.
- Proceeds of sale, partition, § 39:7
- Proof. Evidence, above
- Publication of notice, quieting title action, § 39:4
- Quieting title action, § 39:4
- Remedies, actions, § 39:1 et seq.
- Removal of cloud from title action, § 39:5
- Reports, partition action, § 39:7
- Sales
  - Partition, § 39:7
  - Specific performance, § 39:6
- Self-help, forcible entry and detainer and unlawful detainer, § 39:3
- Specific performance, actions, § 39:6
- Statute of limitations, § 5:6
- Statutes, actions, § 39:2 et seq.
- Title, actions, § 39:1 et seq.
- Unlawful detainer action, § 39:3
- Venue in real property actions, §§ 9:7, 39:3
- View by jury, § 28:12
- Voluntary partition, actions, § 39:7
- Writ of possession, actions, §§ 39:2, 39:3

### REASONABLE ATTORNEY'S FEES

- Judgments, § 31:4

### RECEIVERS

- Generally, §§ 37:1-37:5
- Amount of bond, § 37:3
- Appeal of appointment order, § 37:2
- Appointment, §§ 37:1-37:5
- Bonds, §§ 37:3, 37:4
- Compensation, § 37:2
- Corporations, § 37:4
- Definition, § 37:1
- Discharge, § 37:5
- Discretion of court, §§ 37:1, 37:2, 37:5
- Duties, § 37:4
- Employment of persons, § 37:4
- Expenses, § 37:2
- Good cause for removal, § 37:5
- Joint stock companies, § 37:4
- Liability, § 37:3
- Misconduct, § 37:3
- Need for appointment, § 37:2
- Notice of appointment, § 37:2
- Oath, § 37:4
- Order for appointment, § 37:2
- Partnerships, § 37:4
- Posting of bond, § 37:3
- Powers, § 37:4
- Property, §§ 37:1-37:5
- Removal, § 37:5
- Reports, § 37:4
- Rulings on expenses, § 37:2
- Statutes, § 37:1 et seq.
- Substitute receivers, § 37:5

### RECORDATION

- Judgments, § 31:6
- Oral examination depositions, § 21:6
- Trial, § 28:5

### RECORDS

- Appeal record, filing, § 40:5
- Discovery, medical records, § 21:11
- Trial evidence, business records, § 28:8

### RECUSAL

- Judges, § 3:3

### REDEMPTION FROM SALE

- Enforcement of judgments, §§ 33:4, 33:5

**REFEREES**

Appointment by judges, § 3:8

**REFERENCE TO MASTERS**

Trial, § 28:21

**REFUSAL SERVICE**

Generally, § 12:6

**RELATION BACK**

Amended pleadings, § 18:4

**RELEASE OF HEALTH CARE INFORMATION**

Discovery, § 21:11

**RELEVANCE**

Discovery, scope, § 21:2

**RELIEF**

Remedies or Relief, this index

**REMANDED CASES**

Answers, filing, § 15:2

Default judgment, § 19:2

**REMEDIES OR RELIEF**

Damages, this index

Declaratory judgments, § 36:1 et seq.

Enforcement of judgments, § 33:1 et seq.

Injunctions, this index

Judgment, relief from, § 31:7

Motions, this index

Pleadings, § 11:1 et seq.

Real property actions, § 39:1 et seq.

Servicemembers Civil Relief Act, this index

**REMITTITUR**

Generally, §§ 32:3, 40:1

**REMOVAL**

Class action removed to federal court, § 8:9

Cloud from title, real property action, § 39:5

Receivers, § 37:5

**RENVOI DOCTRINE**

Choice of law, § 6:1

**REPLIES**

Counterclaims, §§ 11:1, 15:1-15:3, 15:7

Motions, this index

**REPORTS**

Discovery, physical and mental examinations, § 21:11

Partition action, § 39:7

Receivers, § 37:4

**REPOSE, STATUTE OF**

Statute of Repose, this index

**REPRESENTATIVES AND REPRESENTATION**

Attorneys, this index

Class actions, adequate representation, §§ 8:2, 8:4

Parties, §§ 7:1, 7:2

**REQUESTS**

Admissions. Requests for Admissions, this index

Discovery, this index

Motion hearing, § 13:4

Service of Process and Other Papers, this index

Trial, this index

**REQUESTS FOR ADMISSIONS**

Generally, §§ 23:1-23:5

Amendment of admission, § 23:4

Answers or responses, §§ 23:2, 23:3

Attorneys, §§ 21:2, 23:2, 23:5

Challenge to sufficiency of answer, § 23:3

Costs, sanctions, § 23:5

Denials, § 23:2

Documents, § 23:2

Effect of admissions, § 23:4

Extension of time for response, § 23:3

Facts, §§ 23:1-23:5

Form of requests and responses, § 23:2

Hearings, § 23:3

Motions, §§ 23:3, 23:4

Objections, §§ 23:2, 23:3

Orders, sanctions, § 23:5

Purpose, § 23:1

## INDEX

### REQUESTS FOR ADMISSIONS

#### —Cont'd

- Responses or answers, §§ 23:2, 23:3
- Sanctions, § 23:5
- Service, §§ 23:2, 23:3
- Signature, § 23:2
- Sufficiency of answer, § 23:3
- Summary judgment, § 23:3
- Ultimate issue, § 23:2
- Withdrawal of admission, § 23:4
- Work product, § 21:2

### RES JUDICATA

- Former adjudication, § 34:1

### RESIDENCE

- Venue, §§ 9:1, 9:2, 9:4, 9:5, 9:9, 38:2

### RESIGNATION

- Judges, § 3:2

### RESPONSE OR RESPONSES

- Discovery, this index
- Motions, this index
- Pleadings, this index
- Verdict, answers to questions, §§ 30:3, 30:4

### RESPONSIBILITIES

- Duties, this index

### RESTATEMENT OF CONFLICT OF LAWS

- Generally, §§ 6:1, 6:6, 6:7

### RESTATEMENT (SECOND) OF JUDGMENTS

- Res judicata, § 34:1

### RESTRICTIONS

- Limitations or Restrictions, this index

### RETURN

- Execution, enforcement of judgments, §§ 33:1, 33:8
- Service of Process and Other Papers, this index
- Verdict, § 30:5

### REVIEW

- Appeal and Review, this index

### REVISED UNIFORM

#### ENFORCEMENT OF

#### FOREIGN JUDGMENTS ACT

- Generally, § 33:10

### REVIVAL OF JUDGMENT

- Generally, § 31:8

### RIGHTS

- Amendment of pleadings, § 18:2
- Declaratory judgments, § 36:1 et seq.
- Intervention, § 7:10
- Jury trial, § 29:1 et seq.
- Voluntary dismissal, §§ 27:2, 27:6

### ROLE OF TRIAL COURT

- Class actions, § 8:7

### RULES

- Appellate Procedure, §§ 1:2, 1:6, 1:10, 40:2 et seq.
- Arkansas Rules of Civil Procedure, § 1:3 et seq.
- Choice of law, §§ 6:1, 6:8
- Courts, § 1:1 et seq.
- District courts, §§ 1:6, 2:5-2:7
- Evidence, this index
- Federal Rules of Civil Procedure, this index
- Sources of law on civil procedure, § 1:1 et seq.

### RULINGS

- Motions, this index
- Receiver's expenses, § 37:2
- Trial, exceptions to rulings, § 28:11

### SALES

- Enforcement of Judgments, this index
- Judicial sales, §§ 33:5, 39:7
- Real Property, this index

### SANCTIONS

- Appeal and Review, this index
- Discovery, this index
- Pleadings, § 11:16

### SATISFACTION OF JUDGMENT

- Generally, §§ 31:8, 33:1

### SAVINGS STATUTE

- Statute of limitations, § 5:10

**SCHEDULING ORDERS**

Pretrial conference, § 24:2

**SCHOOL DISTRICTS**

Parties, § 7:1

**SCIRE FACIAS WRIT**

Judgments, § 31:8

**SCOPE**

Discovery, this index

Injunctions, § 35:5

**SCRA**

Servicemembers Civil Relief Act,  
this index

**SEALING OF JUDGMENT**

Generally, § 31:1

**SEIZURE OF PROPERTY**

Enforcement of judgments, execu-  
tion, § 33:4

Injunctions, enforcement, § 35:6

**SELECTION OF JURY**

Generally, §§ 29:5, 29:6

**SELF-HELP**

Forcible entry and detainer and  
unlawful detainer, § 39:3

**SEPARATE MAINTENANCE**

Generally, §§ 38:1-38:5

**SEPARATE PROPERTY**

Divorce, § 38:2

**SEPARATE TRIALS**

Generally, §§ 25:1, 25:3

**SEQUESTRATION**

Jurors, § 29:8

Property, enforcement of injunctions,  
§ 35:6

**SERVICE OF PROCESS AND  
OTHER PAPERS**

Generally, §§ 12:1-12:21

Affidavit of service, proof of service,  
§ 12:17

Age

Authority to serve process, § 12:4

Persons served, §§ 12:6, 12:8

Agencies, service on, § 12:11

**SERVICE OF PROCESS AND  
OTHER PAPERS—Cont'd**

Agents, service on, §§ 12:5-12:7

Appeal notice, § 40:4

Appointments

Authority to serve process, § 12:4

Service on persons in Arkansas,  
§ 12:6

Associations, service on, §§ 12:7,  
12:12

Attorneys

Authority to serve process, § 12:4

Mail service, § 12:5

Nonresidents, § 12:13

Service on, §§ 12:6, 12:16

Authority to serve process, § 12:4

Calculation of time, § 12:19

Certificate of service

Answers, § 15:1

Counterclaims, § 16:1

Cross-claims, § 16:1

Motions, § 13:2

Proof of service, § 12:17

Class actions, § 12:7

Clerk of court, §§ 12:2, 12:3, 12:14

Commencement of action, § 12:2

Commercial delivery companies

Generally, § 12:5

Authority to serve process, § 12:4

Pleadings, § 11:17

Proof of service, § 12:17

Common law, § 12:7

Compliance, § 12:1 et seq.

Constitutional matters, § 12:1

Constructive service

Definition, § 12:1

Mail service, below

Publication of warning order,  
below

Corporations, §§ 12:5, 12:7, 12:13

Counsel. Attorneys, above

Counterclaims, §§ 11:17, 16:1

Cross-claims, §§ 11:17, 16:1, 16:4

Default judgment, § 19:6

Definitions

Constructive service, § 12:1

Personal service, § 12:1

Return of process, § 12:1

## INDEX

### SERVICE OF PROCESS AND OTHER PAPERS—Cont'd

Definitions—Cont'd  
    Substituted service, § 12:1  
Discovery, this index  
Dismissal, untimely service, § 12:2  
Evidence. Proof of service, below  
Extension of time, §§ 12:2, 12:20,  
    12:21  
Federal matters, §§ 12:1, 12:11  
First class mail, § 12:5  
Foreign corporations, service on,  
    § 12:7  
Governmental entities, service on,  
    § 12:11  
Guardians, service on incompetents,  
    § 12:9  
Incompetents, service on, § 12:9  
Judgment offer, § 31:5  
Jurisdiction distinguished, § 12:1  
Labor unions, service on, § 12:12  
Lawyers. Attorneys, above  
Limited liability companies, service  
    on, § 12:7  
Limited liability partnerships, service  
    on, § 12:7  
Limited partnerships, service on,  
    § 12:7  
Mail service  
    Generally, § 12:5  
    Authority to serve process, § 12:4  
    Commencement of action, § 12:2  
    Default judgment, § 19:6  
    Extension of time, § 12:21  
    Motions, § 13:2  
    Nonresidents, § 12:13  
    Pleadings, § 11:17  
    Proof of service, § 12:17  
    Trial subpoenas, § 28:4  
Minors, service on, § 12:8  
Motions, this index  
New cause of action asserted in  
    pleading, § 12:15  
Nonprofit associations, service on,  
    § 12:7  
Nonresidents, service on, § 12:13  
Notice  
    Generally, § 13:6

### SERVICE OF PROCESS AND OTHER PAPERS—Cont'd

Notice—Cont'd  
    Appeal notice, § 40:4  
    Discovery, this index  
    Service as notice of proceedings,  
        § 12:1  
Officers, service on, §§ 12:7, 12:11  
Partnerships, service on, § 12:7  
Personal service  
    Generally, § 12:6  
    Definition, § 12:1  
    Nonresidents, § 12:13  
    Pleadings, § 11:17  
    Trial subpoenas, § 28:4  
Pleadings  
    Generally, §§ 11:17, 11:18  
    Attorney, service on, § 12:16  
    Counterclaims, §§ 11:17, 16:1  
    Cross-claims, §§ 11:17, 16:1, 16:4  
    New cause of action asserted,  
        § 12:15  
    Third party practice, § 17:1  
Prisoners, service on, § 12:10  
Proof of service  
    Generally, § 12:17  
    Amendment, § 18:6  
    Mail service, § 12:5  
    Nonresidents, § 12:13  
    Notices, § 13:6  
Public entities, service on, § 12:11  
Publication of warning order  
    Generally, §§ 12:13, 12:14  
    Default judgment, § 19:6  
Refusal service, § 12:6  
Requests  
    Discovery, this index  
    Enlargement of time, § 12:20  
Return of service  
    Definition, § 12:1  
    Nonresidents, § 12:13  
    Proof of service, § 12:17  
Sheriff  
    Generally, §§ 12:4, 12:17  
    Trial subpoenas, § 28:4  
State, service on, § 12:11  
Statutes, § 12:1 et seq.  
Strict compliance, § 12:1

**SERVICE OF PROCESS AND  
OTHER PAPERS—Cont'd**

Substituted service  
Generally, § 12:6  
Definition, § 12:1  
Pleadings, § 11:17  
Summons, §§ 11:17, 12:1  
Third party practice, summons and  
complaint, § 17:1  
Time  
Calculations, § 12:19  
Extension of time, §§ 12:2, 12:20,  
12:21  
Trial subpoenas, § 28:4  
Unincorporated associations, service  
on, §§ 12:7, 12:12  
Warning order. Publication of warn-  
ing order, above  
Writs, § 12:18

**SERVICEMEMBERS CIVIL  
RELIEF ACT**

Appeals, § 40:7  
Default judgment, §§ 19:1, 19:7  
Enforcement of judgments, execu-  
tion, § 33:1  
Statute of limitations, § 5:8  
Trial, § 28:3

**SETOFF**

Statute of limitations, § 5:1

**SETTING ACTIONS FOR TRIAL**

Generally, § 28:1

**SETTING ASIDE**

Execution, enforcement of judg-  
ments, § 33:3  
Judgments and Decrees, this index  
Orders, § 20:4

**SETTLEMENT OR COMPROMISE**

Class actions, §§ 8:7, 8:8  
Demand for settlement, condition  
precedent to action, § 4:3  
Dismissals, § 27:7  
Pretrial conference, § 24:2

**SEVERANCE OF CLAIMS**

Generally, §§ 4:6, 25:1, 25:3, 25:4

**SHAREHOLDERS' DERIVATIVE  
ACTIONS**

Generally, §§ 8:1, 8:10  
Dismissals, §§ 27:2, 27:7  
Pleadings, verification, § 11:15

**SHERIFF**

Enforcement of Judgments, this index  
Service of Process and Other Papers,  
this index

**SIGNATURES**

Discovery, this index  
Motions, §§ 13:1, 32:9  
Orders, § 20:2  
Pleadings, this index  
Verdict, foreman, § 30:5

**SIMPLIFICATION OF ISSUES  
FOR TRIAL**

Discovery, § 21:2

**SITUS RULE**

Choice of law, real property, § 6:8

**SMALL CLAIMS DIVISION OF  
DISTRICT COURT**

Generally, §§ 2:5, 7:13  
Venue, § 9:12

**SOCIAL SECURITY ACT**

Support and maintenance, § 38:7

**SOURCES OF LAW**

Generally, §§ 1:1-1:12

**SOVEREIGN IMMUNITY**

Parties, § 7:1

**SPECIAL ADMINISTRATOR AD  
LITEM**

Parties, § 7:14

**SPECIAL DAMAGES**

Pleadings, § 11:12

**SPECIAL JUDGES**

Generally, §§ 3:2, 3:4

**SPECIAL MASTERS**

Appointment by judges, § 3:8

## INDEX

### **SPECIAL PROCEEDINGS**

Sources of law on civil procedure,  
§§ 1:3-1:5

### **SPECIAL VERDICT**

Generally, §§ 30:1, 30:4

### **SPECIFIC DENIALS**

Answers, § 15:3

### **SPECIFIC PERFORMANCE**

Real property actions, § 39:6

### **SPLITTING CAUSES OF ACTION**

Generally, § 4:7

### **SPOUSES**

Annulment of Marriage, this index

Choice of Law, this index

Divorce, this index

Marriage, this index

Separate maintenance, §§ 38:1-38:5

Uniform Interstate Family Support  
Act, §§ 38:5, 38:7

### **STAKEHOLDER**

Interpleader, § 7:9

### **STANDARDS**

Proof, choice of law, § 6:4

Review. Appeal and Review, this  
index

### **STANDING**

Generally, §§ 7:3, 7:12

Appeals, § 40:1

Lack of standing, §§ 7:12, 40:1

### **STATE**

Attorney General, this index

Judgments, attorney's fees, § 31:4

Parties, §§ 7:1, 7:2

Service on, § 12:11

Statute of limitations, § 5:1

Venue in actions involving state,  
§ 9:8

### **STATEMENTS**

Affidavits, § 13:5

More definite statement motion,  
§ 14:13

### **STATUS**

Declaratory judgments, § 36:1 et seq.

### **STATUS—Cont'd**

Jurisdiction, § 10:1

### **STATUTE**

Statutes, this index

### **STATUTE OF LIMITATIONS**

Generally, § 5:1 et seq.

Accrual of cause of action, §§ 5:1,  
5:3-5:6, 5:8, 5:9

Affirmative defense, § 5:2

Applicability of savings statute,  
§ 5:10

Bankruptcy, tolling, § 5:8

Breach of contract, § 5:4

Building and construction cases,  
§ 5:6

Catch-all statute of limitations, § 5:3

Cause of action, §§ 5:1, 5:3-5:6, 5:8,  
5:9

Choice of law, §§ 5:2, 6:4

Claims, § 5:1 et seq.

Commencement of action, §§ 5:9,  
5:10

Computation of time, § 5:2

Construction and interpretation,  
§§ 5:1, 5:5

Continuous torts, § 5:5

Contractors, § 5:6

Contracts, §§ 5:4, 5:6, 5:8

Contribution, § 5:5

Damage to property, § 5:6

Decedents' estates, § 5:7

Discrimination in employment, § 5:7

Dismissals, §§ 5:2, 5:10, 27:4, 27:5

Elections, § 5:7

Employment discrimination, § 5:7

Exclusions, savings statute, § 5:10

Extension, § 5:1

Federal courts, §§ 5:2, 5:10

Fraud, §§ 5:5, 5:7, 5:8

Incompetents, tolling, § 5:8

Insurance, § 5:4

Interpretation and construction,  
§§ 5:1, 5:5

Judgments, §§ 5:2, 5:6, 5:7

Leases, § 5:6

Liens, § 5:6

Medical injury actions, §§ 5:5, 5:8



**STATUTE OF LIMITATIONS**

**—Cont'd**

Minors, tolling, § 5:8  
 Misappropriation of trade secrets, § 5:7  
 Motion to dismiss, § 5:2  
 Nonsuit, savings statute, § 5:10  
 Paternity actions, § 5:7  
 Performance bond of contractor, § 5:6  
 Personal property, § 5:6  
 Pleadings, §§ 5:1, 5:2, 11:2, 18:4  
 Products liability, §§ 5:5, 5:6  
 Property, §§ 5:5, 5:6  
 Public policy, §§ 5:1, 5:4  
 Real property, § 5:6  
 Savings statute, § 5:10  
 Servicemembers Civil Relief Act, § 5:8  
 Setoff, § 5:1  
 State actions, § 5:1  
 Statute of repose distinguished, §§ 5:1, 5:2, 5:11  
 Subrogation, § 5:1  
 Summary judgment, § 5:2  
 Tolling, §§ 5:2, 5:8, 5:9  
 Torts, §§ 5:5, 5:8  
 Trade secret misappropriation, § 5:7  
 Trespass, §§ 5:5, 5:6  
 Uniform Commercial Code, §§ 5:4, 5:6, 5:7  
 Uniform Fraudulent Transfer Act, § 5:7  
 Waiver, §§ 5:2, 5:4  
 Wills, § 5:7  
 Wrongful death actions, §§ 5:9, 5:10

**STATUTE OF REPOSE**

Generally, § 5:11  
 Answers, § 15:5  
 Building and construction cases, § 5:11  
 Choice of law, §§ 5:2, 6:4  
 Damage to property, § 5:11  
 Federal courts, § 5:2  
 Fraud, § 5:11  
 Medical injury actions, § 5:11  
 Personal injury actions, § 5:11

**STATUTE OF REPOSE—Cont'd**

Statute of limitations distinguished, §§ 5:1, 5:2, 5:11  
 Waiver, § 5:11  
 Wrongful death actions, § 5:11

**STATUTES**

Actions, §§ 4:1, 4:3, 4:4  
 Affidavits, § 13:5  
 Annulment of marriage, §§ 38:1, 38:6  
 Consolidation of actions, § 25:1  
 Courts, § 2:1 et seq.  
 Declaratory judgments, § 36:1 et seq.  
 Default judgment, §§ 19:1, 19:7  
 Discovery, this index  
 Dismissals, §§ 27:1, 27:2  
 Divorce, § 38:1  
 Enforcement of judgments, § 33:1 et seq.  
 Joinder of claims, § 4:5  
 Judges, §§ 3:3, 3:6  
 Judgments, § 31:1 et seq.  
 Limitations. Statute of Limitations, this index  
 Notices, § 13:6  
 Orders, §§ 20:1, 20:3  
 Parties, § 7:1 et seq.  
 Personal jurisdiction, § 10:2  
 Pleadings, §§ 11:8 et seq., 18:1  
 Pretrial conference, §§ 24:1, 24:2  
 Real property actions, § 39:2 et seq.  
 Receivers, § 37:1 et seq.  
 Separate trials, § 25:3  
 Service of process and other papers, § 12:1 et seq.  
 Servicemembers Civil Relief Act, this index  
 Shareholders' derivative actions, § 8:10  
 Sources of law on civil procedure, §§ 1:1-1:3, 1:5  
 Summary judgment, § 26:1  
 Third party practice, §§ 17:1-17:3  
 Trial, this index  
 Uniform Commercial Code, this index  
 Venue, § 9:1 et seq.

## INDEX

### STAYS

- Appeals, § 40:7
- Enforcement of judgments, execution, §§ 33:1, 33:3
- Trial, §§ 28:2, 28:3

### STIPULATIONS

- Bench trials, stipulated facts, § 28:20
- Discovery, § 21:4
- Dismissals, §§ 27:1-27:3, 27:7
- Jury trial waiver, § 29:4
- Pretrial conference, § 24:2
- Temporary judges, § 3:6
- Verdict, § 30:1

### STRICT COMPLIANCE

- Service of process and other papers, § 12:1

### STRICT PRODUCTS LIABILITY

- Pleadings, elements of cause of action, § 11:9

### STRIKE MOTIONS

- Motions, this index

### SUA SPONTE MATTERS

- Motions, this index
- Separate trials, § 25:3
- Summary Judgment, this index
- Trial, this index

### SUBJECT MATTER

- Discovery, scope, § 21:2
- Jurisdiction, this index

### SUBPOENAS

- Clerk of court, §§ 21:14, 28:4
- Discovery, this index
- Hearings, § 28:4
- Issuance, §§ 21:14, 28:4
- Trial, § 28:4

### SUBROGATION

- Equitable subrogation, §§ 11:9, 17:2
- Pleadings, § 11:9
- Statute of limitations, § 5:1
- Third party practice, § 17:2

### SUBSTITUTED SERVICE

- Service of Process and Other Papers, this index

### SUBSTITUTION

- Parties, § 7:11
- Receivers, § 37:5

### SUCCESSOR JUDGES

- Generally, § 3:2

### SUFFICIENCY OR INSUFFICIENCY

- Class actions, adequate representation, §§ 8:2, 8:4
- Evidence, directed verdict or dismissal motions, §§ 28:14, 32:5
- Motions, this index
- Pleadings, §§ 11:5, 11:7, 11:8, 36:4
- Requests for admissions, answer, § 23:3

### SUMMARY JUDGMENT

- Generally, §§ 26:1-26:6
- Admissibility of evidence, § 26:3
- Affidavits, § 26:3
- Appeal, § 26:6
- Burden of proof, § 26:3
- Continuances, § 26:2
- Counter-affidavits, § 26:3
- Cross-motions, § 26:5
- Discovery, §§ 23:3, 26:2
- Discretion of court, § 26:2
- Documentary evidence, § 26:3
- Entry, §§ 26:2, 26:5
- Evidence, §§ 26:2-26:4, 26:6
- Facts, § 26:1 et seq.
- Federal Rules of Civil Procedure, § 26:1
- Genuine issue of material fact, § 26:2 et seq.
- Hearing on motion, § 26:2
- History, § 26:1
- Motions
  - Generally, §§ 26:1-26:6
  - Conversion of another motion to summary judgment motion, §§ 14:7, 14:11
- Partial summary judgment, §§ 26:2, 26:6
- Purpose, § 26:1
- Quantum of evidence to defeat motion, § 26:4
- Questions of law, §§ 26:1, 26:6

**SUMMARY JUDGMENT—Cont’d**

- Reply to response to motion, § 26:2
- Response to motion, §§ 26:2, 26:3
- Service, response and reply to motion, § 26:2
- Standard of review, § 26:6
- Statute of limitations, § 5:2
- Statutes, § 26:1
- Sua sponte matters
  - Entry of summary judgment, § 26:5
  - Hearing on motion, § 26:2
- Supporting materials, motion, §§ 26:2, 26:3
- Time
  - Motions, § 26:2
  - Statute of limitations, § 5:2

**SUMMONS**

- Amendment, § 18:6
- Motion, insufficiency of summons, § 14:5
- Process, summons and complaint, §§ 12:1, 12:3
- Service, §§ 11:17, 12:1
- Third party practice, service, § 17:1

**SUPERIORITY**

- Class actions, §§ 8:2, 8:6

**SUPERSEDEAS BOND**

- Appeals, § 40:7

**SUPERSESSION RULE**

- Sources of law on civil procedure, § 1:3

**SUPPLEMENTAL PLEADINGS**

- Pleadings, this index

**SUPPLEMENTARY RELIEF**

- Declaratory judgments, § 36:5

**SUPPLEMENTATION**

- Discovery responses, § 21:3

**SUPPORT AND MAINTENANCE**

- Child support, § 38:2 et seq.
- Divorce, § 38:2 et seq.
- Separate maintenance, §§ 38:1-38:5
- Social Security Act, § 38:7

**SUPPORT AND MAINTENANCE—Cont’d**

- Uniform Interstate Family Support Act, §§ 38:5, 38:7

**SUPPORTING MATERIALS**

- Motions, this index

**SUPREME COURT OF ARKANSAS**

- Administrative Orders, this index
- Rules, sources of law on civil procedure, § 1:1 et seq.

**SURPLUSAGE**

- General verdict, § 30:2

**SURPRISE**

- New trial motion, § 32:2

**SURVIVAL**

- Cause of action, choice of law, § 6:4
- Judgment, § 31:8

**TANGIBLE PERSONAL PROPERTY**

- Choice of law, § 6:9

**TAXES**

- Illegal exaction suits, § 8:12
- Standing, § 7:3
- Venue, § 9:10

**TELEPHONIC SERVICE**

- Trial subpoenas, § 28:4

**TEMPORARY MATTERS**

- Judges, §§ 3:2, 3:4-3:6
- Maintenance for spouses, § 38:4
- Orders, this index

**TENANT AND LANDLORD**

- Forcible entry and detainer and unlawful detainer actions, § 39:3

**TENDER**

- Condition precedent to action, § 4:3

**TERM OF OFFICE**

- Judges, § 3:1

**TERMINATION**

- Child support, § 38:7

**TERRITORIAL JURISDICTIONAL**

- District courts, § 2:5

## INDEX

### TESTIMONY

Witnesses, this index

### THIRD PARTY PRACTICE

Generally, §§ 17:1-17:3

Answers, §§ 11:1, 11:3, 11:5

Bases of third party liability, § 17:2

Claims, generally, §§ 17:1-17:3

Complaints, §§ 11:1, 11:3, 11:5,  
16:1, 17:1

Contracts, § 17:2

Contribution, §§ 17:1, 17:2

Counterclaims, § 17:1

Cross-claims, § 17:1

Dismissals, § 27:2

Equitable subrogation, § 17:2

Filing of complaint, § 17:1

Impleader, §§ 17:1-17:3

Indemnity, § 17:2

Jurisdiction, § 17:3

Liability, §§ 17:1, 17:2

Motions, § 17:1

Purpose, § 17:1

Separate trials, § 25:3

Service of summons and complaint,  
§ 17:1

Statutes, §§ 17:1-17:3

Subrogation, § 17:2

Summons, service, § 17:1

Uniform Contribution Among Joint  
Tortfeasors Act, §§ 17:1, 17:2

Venue, § 17:3

### TIME OR DATE

Answers, filing, § 15:2

Appeal and Review, this index

Computation or calculation of time,  
§§ 5:2, 12:19

Discovery, this index

Duration, this index

Extension of Time, this index

Laches, § 5:12

Service of Process and Other Papers,  
this index

Statute of Limitations, this index

Summary Judgment, this index

Trial, this index

### TITLE TO PROPERTY

Choice of law, § 6:9

Real property actions, § 39:1 et seq.

### TOLLING

Statute of limitations, §§ 5:2, 5:8, 5:9

### TORTS

Choice of law, §§ 6:1, 6:6

District courts, subject matter juris-  
diction, § 2:5

Judgments, §§ 31:4, 31:10

Parties, §§ 7:1, 7:2

Pleadings, elements of cause of  
action, § 11:9

Statute of limitations, §§ 5:5, 5:8

Third party practice, Uniform Contri-  
bution Among Joint Tortfeasors  
Act, §§ 17:1, 17:2

### TRADE SECRET

#### MISAPPROPRIATION

Statute of limitations, § 5:7

### TRAFFIC DIVISION OF DISTRICT COURT

Generally, § 2:5

### TRANSFER

Divorce case, § 38:2

Statute of limitations, Uniform  
Fraudulent Transfer Act, § 5:7

### TRANSITORY ACTIONS

Generally, § 4:1

### TRESPASS

Statute of limitations, §§ 5:5, 5:6

### TRIAL

Generally, §§ 28:1-28:22

Administrative Order, cameras and  
recording devices, § 28:5

Admissibility of evidence, §§ 28:8,  
28:20

Adverse or hostile witnesses, § 28:9

Affirmation or oath, witnesses, § 28:8

Amendment or modification

Pleadings amended to conform  
with evidence, § 28:16

Subpoenas, § 28:4

**TRIAL—Cont'd**

- AMI (Arkansas Model Jury Instructions), § 28:19
- Appearance, subpoenas, § 28:4
- Applicability of Servicemembers Civil Relief Act, § 28:3
- Application for stay, Servicemembers Civil Relief Act, § 28:3
- Appointment of masters, § 28:21
- Argument, § 28:17
- Arkansas Model Jury Instructions, § 28:19
- Attendance, public nature of proceedings, § 28:5
- Attorneys
  - Argument, § 28:17
  - Conduct of attorneys, § 28:18
  - Issuance of subpoenas, § 28:4
- Authentication of evidence, § 28:8
- Automatic stay, Servicemembers Civil Relief Act, § 28:3
- Bench Trials, this index
- Briefs, § 28:22
- Burden of proof, §§ 28:8, 28:14
- Business records, taking evidence, § 28:8
- Cameras, public nature of proceedings, § 28:5
- Cautionary jury instructions, § 28:19
- Challenges to Arkansas Model Jury Instructions, § 28:19
- Change. Amendment or modification, above
- Class actions, role of trial court, § 8:7
- Clerk of court, issuance of subpoenas, § 28:4
- Close of evidence, directed verdict or dismissal motion, § 28:14
- Comments, conduct of judge, § 28:13
- Conduct of persons
  - Attorneys, § 28:18
  - Judge, § 28:13
- Constitutional matters
  - Conduct of judge, § 28:13
  - Public nature of proceedings, § 28:5
- Contempt
  - Exclusion of witnesses, § 28:7
  - Subpoenas, § 28:4

**TRIAL—Cont'd**

- Continuances, § 28:2
- Counsel. Attorneys, above
- Cross-examination of witnesses, § 28:8
- Date. Time or date, below
- Directed verdict motion, § 28:14
- Discretion of court
  - Amendments to pleadings to conform with evidence, § 28:16
- Argument, § 28:17
- Continuances, § 28:2
- Mistrial, § 28:15
- Proffer of excluded evidence, § 28:10
- Reference to masters, § 28:21
- Setting trial date, § 28:1
- Taking evidence, § 28:8
- View by jury, § 28:12
- Dismissal motion, § 28:14
- Documentary evidence, § 28:8
- Errors
  - Arkansas Model Jury Instructions, § 28:19
  - Conduct of judge, § 28:13
  - Findings of fact by masters, § 28:21
- Evidence
  - Admissibility of evidence, §§ 28:8, 28:20
  - Amendments pleadings to conform with evidence, § 28:16
  - Burden of proof, §§ 28:8, 28:14
  - Exclusion of evidence, §§ 28:7, 28:10, 28:20
  - Masters, § 28:21
  - Objections to evidence, §§ 28:8, 28:20
  - Proffer of excluded evidence, § 28:10
  - Rules of Evidence, below
  - Sufficiency of evidence, directed verdict or dismissal motion, § 28:14
  - Taking evidence, § 28:8
  - Witnesses, below
- Examination of witnesses, §§ 28:8, 28:9

## INDEX

### **TRIAL—Cont'd**

- Exceptions to rulings, § 28:11
- Exclusion of evidence, §§ 28:7, 28:10, 28:20
- Exhibits, § 28:8
- Expert witnesses, § 28:8
- Fees for witnesses, subpoenas, § 28:4
- Filing briefs, § 28:22
- Findings of fact
  - Bench trials, §§ 28:20, 30:1, 30:7
  - Masters, § 28:21
- First Amendment, public nature of proceedings, § 28:5
- Form of subpoenas, § 28:4
- Good cause for continuances, § 28:2
- Hostile or adverse witnesses, § 28:9
- Improper argument, § 28:17
- Instructions to jury, § 28:19
- Issuance of subpoenas, § 28:4
- Joinder of issues, setting trial date, § 28:1
- Jury and Jury Trial, this index
- Lawyers. Attorneys, above
- Leading questions, adverse or hostile witnesses, § 28:9
- Mail service of subpoenas, § 28:4
- Mandatory use of Arkansas Model Jury Instructions, § 28:19
- Masters, § 28:21
- Mistake. Errors, above
- Mistrial, §§ 28:13, 28:15
- Modification. Amendment or modification, above
- Motions, this index
- Notice
  - Subpoenas, § 28:4
  - Trial date, § 28:1
- Oath or affirmation, witnesses, § 28:8
- Objections
  - Argument, § 28:17
  - Arkansas Model Jury Instructions, § 28:19
  - Evidence, §§ 28:8, 28:20
  - Exceptions, § 28:11
- Order of trial, § 28:6
- Orders
  - Administrative Order, cameras and recording devices, § 28:5

### **TRIAL—Cont'd**

- Orders—Cont'd
  - Reference to masters, § 28:21
  - View by jury, § 28:12
- Personal property, view by jury, § 28:12
- Personal service of subpoenas, § 28:4
- Prejudice, mistrial, § 28:15
- Pretrial Conference, this index
- Production of books, papers, documents or things, subpoenas, § 28:4
- Proffer of excluded evidence, § 28:10
- Proof. Evidence, above
- Public nature of proceedings, § 28:5
- Quashal of subpoenas, § 28:4
- Real property, view by jury, § 28:12
- Recording devices, public nature of proceedings, § 28:5
- Reference to masters, § 28:21
- Requests
  - Bench trial, findings and conclusions, § 30:7
  - Exclusion of witnesses, § 28:7
  - Setting trial date, § 28:1
- Rules of Evidence
  - Adverse or hostile witnesses, § 28:9
  - Exclusion of witnesses, § 28:7
  - Taking evidence, § 28:8
- Rulings, exceptions to, § 28:11
- Separate trials, §§ 25:1, 25:3
- Service of subpoenas, § 28:4
- Servicemembers Civil Relief Act, § 28:3
- Setting actions for trial, § 28:1
- Sheriff, service of subpoenas, § 28:4
- Statutes
  - Exceptions, § 28:11
  - Order of trial, § 28:6
  - Public nature of proceedings, § 28:5
  - Setting trial date, § 28:1
  - View by jury, § 28:12
- Stays, §§ 28:2, 28:3
- Strike testimony motion, § 28:8
- Sua sponte
  - Exclusion of witnesses, § 28:7

**TRIAL—Cont'd**

- Sua sponte—Cont'd
  - Setting trial date, § 28:1
- Subpoenas, § 28:4
- Sufficiency of evidence, directed verdict or dismissal motion, § 28:14
- Taking evidence, § 28:8
- Telephonic service of subpoenas, § 28:4
- Testimony. Witnesses, below
- Time or date
  - Filing briefs, § 28:22
  - Setting trial date, § 28:1
- Use
  - Arkansas Model Jury Instructions, § 28:19
  - Cameras and recording devices, § 28:5
  - Discovery, this index
  - View by jury, § 28:12
  - Violations, exclusion of witnesses, § 28:7
- Waiver
  - Findings and conclusions, bench trial, § 30:7
  - Objections, Arkansas Model Jury Instructions, § 28:19
- Witnesses
  - Adverse or hostile witnesses, § 28:9
  - Examination of witnesses, §§ 28:8, 28:9
  - Exclusion of witnesses, § 28:7
  - Subpoenas, § 28:4
  - Taking evidence, § 28:8

**TRIBAL COURTS**

- Enforcement of Native American tribal court judgments, § 33:10

**TRUST DEEDS**

- Enforcement of judgments, judicial sales, § 33:5

**TRUSTEES**

- Parties, § 7:1

**TYPICALITY**

- Class actions, §§ 8:2, 8:3

**ULTIMATE ISSUE**

- Requests for admissions, § 23:2

**UNANIMITY OF JURORS NOT REQUIRED**

- Generally, § 29:1

**UNAVAILABLE PARTY OR WITNESS**

- Perpetuation of testimony, § 22:1

**UNCONTESTED DIVORCE**

- Generally, § 38:2

**UNDERTAKINGS**

- Bonds, this index

**UNDUE DELAY**

- Amended pleadings, § 18:2

**UNDUE INFLUENCE**

- Complaints, § 11:7

**UNIFORM ARBITRATION ACT**

- Motion to compel arbitration, § 14:14

**UNIFORM COMMERCIAL CODE**

- Choice of law, §§ 6:1, 6:7, 6:9
- Statute of limitations, §§ 5:4, 5:6, 5:7

**UNIFORM CONFLICT OF LAWS LIMITATION ACT**

- Generally, § 6:4

**UNIFORM CONTRIBUTION AMONG JOINT TORTFEASORS ACT**

- Third party practice, §§ 17:1, 17:2

**UNIFORM EMERGENCY HEALTH VOLUNTEER PRACTITIONER'S ACT**

- Generally, § 7:1

**UNIFORM FRAUDULENT TRANSFER ACT**

- Statute of limitations, § 5:7

**UNIFORM INTERSTATE FAMILY SUPPORT ACT**

- Generally, § 38:7

**UNINCORPORATED ASSOCIATIONS**

- Actions, §§ 8:1, 8:10, 8:11



## INDEX

### UNINCORPORATED

#### ASSOCIATIONS—Cont'd

- Parties, §§ 7:1, 8:11
- Service on, §§ 12:7, 12:12

### UNIONS

- Service on labor unions, § 12:12

### UNLAWFUL MATTERS

- Illegal or Unlawful Matters, this index

### USE

- Discovery, this index
- Trial, this index

### VACATION

- Judgments, § 31:7
- Orders, § 20:4

### VALIDITY OF MARRIAGE

- Choice of law, § 6:10

### VENUE

- Generally, §§ 9:1-9:12
- Adoption proceedings, § 9:9
- Annulment of marriage, §§ 9:9, 38:6
- Boards of state, actions against, § 9:8
- Building and construction cases, § 9:10
- Change of venue, § 9:11
- Claims joinder, § 9:2
- Class actions, §§ 8:4, 9:5
- Constitutional matters, § 9:1
- Contractors, § 9:10
- Corporations, residence, § 9:4
- Determination, § 9:1
- Dismissal
  - Forum non conveniens, § 9:1
  - Improper venue, § 27:5
- District courts, § 9:12
- Divorce, §§ 9:9, 9:11, 38:2, 38:5
- Domestic relations, § 9:9
- Effect of joinder of claims and parties, § 9:2
- Events, occurrence of, §§ 9:1, 9:3
- Exclusions, §§ 9:8, 9:10
- Foreign corporations, residence, § 9:4
- Forum non conveniens, § 9:1

### VENUE—Cont'd

- Improper venue
  - Generally, §§ 9:1, 9:11
  - Defensive motion, §§ 14:1, 14:4
  - Dismissals, § 27:5
- Joinder of claims, § 9:2
- Joinder of parties, §§ 7:7, 9:2
- Jurisdiction distinguished, § 9:1
- Medical injury actions, § 9:6
- Motions, this index
- Objections, §§ 9:1, 9:2
- Occurrence of events or omissions, §§ 9:1, 9:3
- Omissions, occurrence of, §§ 9:1, 9:3
- Parties
  - Joinder of parties, §§ 7:7, 9:2
  - Residence, §§ 9:1, 9:2, 9:4, 9:5, 9:9, 38:2
  - State, actions involving, § 9:8
- Paternity actions, § 9:9
- Permissive joinder of parties, § 7:7
- Perpetuation of testimony, § 22:3
- Pleadings, §§ 9:1, 9:2, 11:4
- Policy, § 9:1
- Prohibition writ, § 9:1
- Public officials, actions against, § 9:8
- Real property actions, §§ 9:7, 39:3
- Residence, §§ 9:1, 9:2, 9:4, 9:5, 9:9, 38:2
- Separate maintenance, § 38:3
- State, actions involving, § 9:8
- Statutes, § 9:1 *et seq.*
- Taxes, § 9:10
- Third party practice, § 17:3
- Visitation actions, § 9:9
- Waiver of objections, § 9:1
- Wills, § 9:10
- Writ of prohibition, § 9:1

### VERDICT

- Generally, §§ 30:1-30:7
- Answers to questions, §§ 30:3, 30:4
- Certainty, § 30:5
- Defects or irregularities, §§ 30:2, 30:5
- Directed verdict motions, §§ 28:14, 32:5, 32:6

**VERDICT—Cont'd**

- Discretion of court, type of verdict,  
§§ 30:1, 30:3, 30:4
- Findings of fact, § 30:1
- General verdict, §§ 30:1-30:3
- Impeaching verdict, § 30:6
- Inconsistent answers to questions,  
special verdict, § 30:4
- Interrogatories, general verdict  
accompanied by, §§ 30:1, 30:3
- Judgment distinguished, § 31:1
- Motions, this index
- Objections, § 30:5
- Polling of jury, § 30:5
- Questions, §§ 30:3, 30:4
- Return of verdict, § 30:5
- Rules of Evidence, impeaching  
verdict, § 30:6
- Signature of foreman, § 30:5
- Special verdict, §§ 30:1, 30:4
- Stipulations, § 30:1
- Surplusage, general verdict, § 30:2

**VERIFICATION**

- Petition, perpetuation of testimony,  
§ 22:2
- Pleadings, § 11:15

**VIEW BY JURY**

- Generally, § 28:12

**VIOLATIONS**

- Injunctions, §§ 35:5, 35:6
- Pleading sanctions, § 11:16
- Trial, exclusion of witnesses, § 28:7

**VISITATION**

- Divorce, § 38:5
- Venue, § 9:9

**VOID MATTERS**

- Judgment or order, lack of subject  
matter jurisdiction, § 2:1
- Marriage, annulment, § 38:6

**VOIDABLE MARRIAGE**

- Annulment of marriage, § 38:6

**VOIR DIRE**

- Jurors, § 29:6

**VOLUNTARY MATTERS**

- Dismissals, §§ 27:1-27:6
- Involuntary Matters, this index
- Partition, § 39:7

**VOLUNTEERS**

- Immunity from suit, § 7:1

**WAIVER**

- Attorney-client privilege, inadvertent  
disclosure, § 21:17
- Divorce, corroboration, § 38:2
- Jury and Jury Trial, this index
- Motions, this index
- Objections, this index
- Statute of limitations, §§ 5:2, 5:4
- Statute of repose, § 5:11
- Subject matter jurisdiction, § 2:1
- Trial, this index

**WARNINGS**

- Discovery sanctions, § 21:13
- Publication of warning order. Service  
of Process and Other Papers,  
this index

**WARRANTY**

- Pleadings, elements of breach of  
implied warranty cause of  
action, § 11:9

**WIFE AND HUSBAND**

- Spouses, this index

**WILLS**

- Choice of law, § 6:9
- Statute of limitations, § 5:7
- Venue, § 9:10

**WITHDRAWAL**

- Admissions, § 23:4
- Attorney, § 7:13

**WITHHOLDING INCOME**

- Child support cases, § 38:7

**WITNESSES**

- Affidavits, § 13:5
- Discovery, this index
- Divorce, § 38:2
- Experts and Expert Witnesses, this  
index

## INDEX

### WITNESSES—Cont'd

Fees

Expert witnesses, §§ 31:4, 38:4

Trial subpoenas, § 28:4

Perpetuation of Testimony, this index

Trial, this index

### WORDS AND PHRASES

Definitions, this index

### WORK PRODUCT

Attorney-client privilege, inadvertent disclosure, § 21:17

Discovery, scope, § 21:2

### WRITING

Written Matters, this index

### WRITS

Assistance writ, enforcement of judgments, § 33:6

Enforcement of Judgments, this index

Possession writ, §§ 33:6, 39:2, 39:3

Prohibition Writ, this index

Scire facias, judgments, § 31:8

Service, § 12:18

### WRITTEN MATTERS

Discovery, this index

Jury trial demand, § 29:4

Motions, §§ 13:1, 32:1

### WRONGFUL DEATH ACTIONS

Dismissals, § 27:4

Parties, § 7:2

Statute of limitations, §§ 5:9, 5:10

Statute of repose, § 5:11